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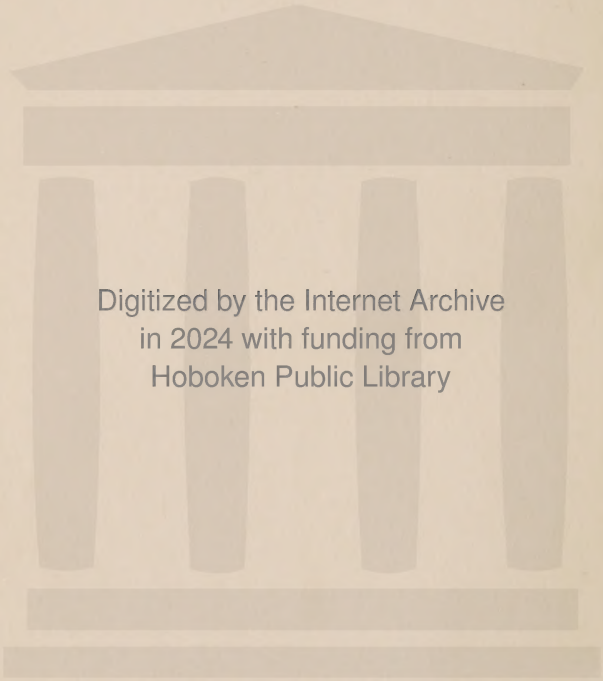

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Charter

—OF—

THE CITY OF HOBOKEN,

IN THE STATE OF NEW JERSEY,

PASSED BY THE LEGISLATURE OF SAID STATE
MARCH 28TH, 1855,

WITH

THE SEVERAL SUPPLEMENTS THERETO,

ALSO,

The general acts of the legislature concerning cities, passed since the adoption of the Amendments to the Constitution of the State up to and including 1883.

WHICH AMENDMENTS TOOK EFFECT SEPTEMBER 28th, 1875.

COMPILED BY

SAMUEL A. BESSON,

Counsellor-at-Law,

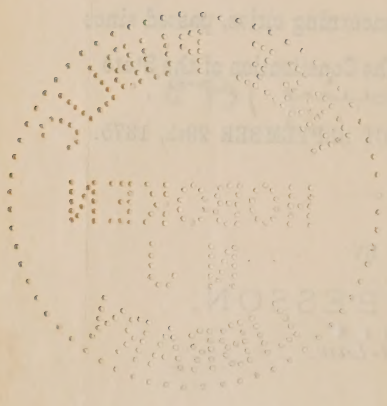
—FOR—

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN.

EDWIN J. KERR, 4 Park Place, New York.

1882.

Laws '88 ch. 21. 22. 23. 56. 26. 29. 31. 32. 74. 126. 136. 137. 143. 146. 155. 156. 167. 168. 177. 180. 182. 183. 190. 191. 194. 200 208.



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be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the Mayor and Council of the City of Hoboken;" and they and their successors may use a common seal, and, by their corporate name, shall be in law, within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding, and conveying, for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held, or conveyed; and the said Mayor and Council of the City of Hoboken, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the township of Hoboken, in their corporate capacity, and be liable to pay all the just debts of the said inhabitants of the township of Hoboken owed in their corporate capacity.

Boundaries of wards.

2. *And be it enacted*, That the said city shall be divided into three districts or wards, in the manner following, to wit: All that part of the city lying south of the middle line of Third street shall constitute the first ward of said city; and all that part lying north of the middle line of Third street, and east of the middle line of Bloomfield street, shall constitute the second ward of said city; and all that part of said city lying north of the middle line of Third street, and west of the middle line of Bloomfield street, shall constitute the third ward of the said city of Hoboken.*

*"An Act to create a Fourth Ward in the city of Hoboken," approved March 16, 1869.

TITLE II.—*Of the officers of the city, their election, duties, and term of office.*

3, *And be it enacted*, That hereafter, and until otherwise provided for by law, there shall be elected, in and for the said city, a mayor, a treasurer, a clerk of the city, a collector, a collector of arrears of taxes,* an overseer of the poor, a superintendent of common schools,† a street commissioner,‡ a pound keeper,§ a chief engineer of the fire department, and one assistant engineer, who shall hold their offices for one year, all of whom shall be elected at the charter elections, except the chief engineer and the assistant engineer of the fire department, who shall be elected by the members of said department, in the same manner as prescribed by an act entitled, "An act to incorporate the fire department of the township of Hoboken, in the county of Hudson," approved March fifteenth, one thousand eight hundred and fifty-four. City officers

4. *And be it enacted*, That the ward officers shall be, for each ward, two councilmen,‖ one judge of election, two inspectors of election, one assessor, one trustee of common schools,¶ two chosen freeholders, one constable, one commissioner of appeals, and a clerk, who shall be clerk of election; and the councilmen of each ward shall perform such duties as by the laws of the state devolve ex-officio on the town committeemen in the other townships of this state; and each ward, for general purposes not provided for in this act, shall be considered a township, and each of the three city asses- Ward officers.

*Supplement approved April 6, 1871.

†Superintendent of Schools abolished by supplement, approved March 21, 1865, sec. 12.

‡Street commissioner and overseer of poor to be appointed. Supplement approved March 21, 1865, sec. 13.

§"A pound keeper" stricken out. See act approved March 15, 1861, sec. 1.

‖"Three councilmen," term of office, &c. See supplement approved Feb. 16, 1863.

¶Three trustees. See supplement approved March 21 1865, sec. 10.

sors shall, in the meeting of county assessors, have the same voice as the assessors of any township in the county,*

Election of officers.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April, in each year, at such place, in each ward, as a majority of the council shall designate; *provided, however*, that the first election shall be held for the first ward, in the town hall; for the second ward in school room in Washington street, near Fourth; and for the third ward, in the academy on public square on north side of Fourth street, in rear of Methodist church, or at such other places as the township committee may direct; said elections shall be held and conducted by the judge, inspectors, and clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state elections and for members of the legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a full, true, and correct copy of the original statement of the result of such election, made by such judge and inspectors, and shall be signed by them with their own hands and attested by the clerk, and the city clerk shall, when he receives such return, immediately file the same in his office as an official paper.

Proviso.

Who entitled to vote.

6. *And be it enacted*, That every person who would, by the existing laws of the state, be entitled to vote at an election for members of the legislature, if held on that day, shall be entitled to vote at the charter election; and any person voting in any ward shall have actually resided in said ward at least five days previous to such election and he shall be entitled to vote in that ward, and no other; and no person shall be

*See supplement approved April 6, 1871.

eligible to vote upon any proposition appropriating moneys raised or to be raised by taxation, unless he shall be entitled to vote at the charter elections for charter officers.

Election cleared.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city, for any city office, and of votes given in each ward, respectively, for any office in that ward, shall be elected to that office.

Duties of board of city canvassers.

8. *And be it enacted*, That the judge of election in each ward, in every such election, shall attend the meeting of the board of city canvassers, hereinafter provided for, as a member thereof, with the original statement of the result of such election in such ward, which shall have been made, signed and certified as herein before directed; that the judges of election, together with the members of the board of councilmen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers;* a majority of said board shall be a quorum, and the city clerk shall be clerk of said board; that such board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the council chamber in said city, and at that hour, without delay, the members of said board who shall be then present, if more than five in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers according to law;" and thereupon one of the members of said board

*Amended by supplement approved March 18, 1863.

shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of such board; and if the city clerk shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered, as herein before directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an oath or affirmation in the following form: "I do swear (or affirm, as the case may be,) that I will faithfully execute the duties of clerk of this board, according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them, respectively, by the electors, and lay the same before such board; and from them the said board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, for the several offices mentioned in such statements.

Certified copy of statement may be used, if original not produced.

9. *And be it enacted*, That if any of the judges shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver, or safely transmit to the city clerk, the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, from any cause, such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of said board, the city clerk shall produce and lay before the said board the certified copy thereof filed in his office; and thereupon the said board shall proceed to make their statement and declaration from such certified copy, in the same manner and with the same effect as if the original statement had been produced

by the judge of election to whom the same was delivered.

Written statement to be made.

10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each.

Statement of board of canvassers to be filed.

11. *And be it enacted*, That upon such statement, the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more persons shall have received an equal number of votes for the same office, a new election shall be ordered within five days from the meeting of said board, to fill any or all such offices; the statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

Statement and declaration to be published.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected.

State and county elections.

13. *And be it enacted*, That all elections hereafter to be held within the city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice-president of the United States, or for any other officers

of the general or state government or officers of the said county of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the council for holding the city elections, on the day or days which now are or hereafter may be designated for holding such elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges and inspectors of election before mentioned shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Duties and powers of officers of election.

14. *And be it enacted*, That the said judges and inspectors of election shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as the township officers of election are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections at any election provided

for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerk of the city shall procure election boxes for the use of the several wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

Duties and powers of mayor.

15. *And be it enacted*, That the mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any policeman for cause, to be by him assigned to the council in writing; in case of his absence from the city, or his inability to perform the duties of his office, the chairman of the council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the mayor.

Justices of the peace to issue warrant for breach of ordinance.

16. *And be it enacted*, That any justice of the peace in said city be and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any

person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons or a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance or ordinances the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the justice of the peace shall have adjourned the same, the said justice of the peace shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the justice of the peace shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment way be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the council for a remission of any penalty that may be inflicted or adjudged.

Proviso

Proviso.

Penalty for not delivering books to successor.

17. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office, in his posses-

sion or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered, with costs.

Vacancies, how supplied.

18. *And be it enacted*, That in case a vacancy shall occur, either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices mentioned in the preceding sections of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms, (except) such as are heretofore provided for; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term, perform the like services, and be entitled to the same compensation, and subject to the like responsibilities and penalties, as if elected at the annual election aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within twenty days after any such election shall be held or appointment made by the city council, the office to which he or they were elected or appointed shall be deemed vacant.

Duties of treasurer.

19. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the council shall direct; no money shall be paid out of the treasury, except on warrant signed by the mayor or acting mayor, and countersigned by the city clerk, except for the payment of bonds for the city, and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer by said officers, except in pur-

suance of an order of the council, passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; it shall be the duty of the clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.

Duties of city clerk.

20. *And be it enacted*, That the city clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the council shall, by ordinance otherwise direct, countersign all licenses signed by the mayor, and keep the record of the proceedings of the council; he shall engross all the ordinances of the council in a book, to be provided for by that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in the book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the council, and copies of the laws and ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage are paid to the clerk of the city.

Overseer of the poor and superintendent of schools.

21. *And be it enacted*, That the overseer of the poor and superintendent of schools shall respectively per-

form such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor and superintendents of schools in the several townships of this state, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition thereto, perform such other duties, and receive such compensation as the council shall by ordinance direct and award.

Commissioners of appeal.

22. *And be it enacted*, That the commissioners of appeal shall have the same powers and perform the same duties, and be entitled to like compensation, that commissioners of appeals in the several townships, of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him relative thereto.*

Member of council may arrest offenders.

23. *And be it enacted*, That every member of the council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation of good order and morality, and to bring, or cause such person to be brought, before any justice of the peace, or some other magistrate, to be dealt with according to law.

Official terms of officers

24. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term, unless removed, as herein provided; and no appointments for the full term

*Sec. 22. Repealed. See Supplement Appd., Mar. 23, 1859. Supplement Appd. April 6, 1866.

shall be made more than one week prior to the commencement of the said term.

Officers to give bond.

25. *And be it enacted*, That the city treasurer, city clerk, collector of taxes, and collector of arrears of taxes, and such other officers as the council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such freehold securities as the council may approve, for the faithful performance of their duties; and all constables shall give bonds to the city, in the manner required by law, with freehold sureties, to be approved of by the council.

Elections for justices of the peace.

26. *And be it enacted*, That for the election of justices of the peace, each ward shall be considered as a township, and, until the census, each ward shall be entitled to one justice only.

Fines

27. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

TITLE III.—*Of the Constitution and Duties of the Council.*

Legislative powers.

28. *And be it enacted*, That the legislative powers of said corporation shall be vested in a mayor and board of councilmen.

Board of councilmen.

29. *And be it enacted*, That the board of councilmen shall consist of the councilmen elected from each ward; and each councilman shall, at the time of his election, be an elector of the ward, in which he is chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

Councilmen to be divided into classes.

30. *And be it enacted*, That the board of councilmen first elected under and by virtue of this act shall, at their first meeting after their election, divide the councilmen of each ward, by lot, into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second

year; and that, on the second Tuesday of April, of the year one thousand eight hundred and fifty-six, and every year thereafter, the said wards shall, respectively, elect one person as councilman of said ward, who shall hold such office for two years; and in case of death or disability of any councilman, a person shall be duly elected to fill the unexpired term.

Vacancies in council.

31. *And be it enacted*, That in case any councilman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as councilman; any councilman may also resign his office at any time, by filing written notice thereof with the city clerk; and the council shall have power to direct a special election to supply any vacancy that may occur, but such person so elected shall hold his office only for the residue of the term so vacated.

Quorum.

32. *And be it enacted*, That a majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.*

Chairman of council.

33 *An be it enacted*, That the council shall annually elect a chairman from its own body, and in his absence a chairman for the time being, choose officers, appoint its time of meeting, be the sole judge of the qualifications of its members, determine the rule of its own proceedings, and keep a journal thereof.

Ordinance to be signed by mayor.

34. *And be it enacted*, That every ordinance of the council, and every resolution of the council affecting the interest of the city, shall, before it takes effect; be presented, duly certified, to the mayor; if he approve it, he shall sign it, if not, he shall return it, with his objections, and file the same with the clerk within ten days after he received it; and the said board shall, at

*See supplement approved March 23, 1859. which adds the words, "and compel the attendance of absent members."

its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of the members elected shall then pass the same, it shall take effect as a law, but in every such case the vote shall be taken by ayes and nays, and entered on the journal; and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law, in like manner as if he had signed it; *provided always*, that each and every ordinance, so passed as aforesaid, shall be published, for the space of twenty days, in at least one newspaper published or circulated in said city or county, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous stated meeting, and shall have been agreed to by at least four members of the council.

Proviso.

Proviso.

Annual statement to be published.

35. *And be it enacted*, That the council shall, at least once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city or county as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city

indebtedness, has been repaid, and by what means; the statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

Meetings of council.

36. *And be it enacted*, That the council shall hold stated meetings, at least once in each month, at such time and place as they may appoint; but the mayor, or, in his absence, any two councilmen, may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode.

Resignations.

37. *And be it enacted*, That resignation of any office held under the council by the provisions of this act may be made to the council, and the council may fill such vacancy for the remainder of the current civil year.

Removal from office.

38. *And be it enacted*, That the council, for cause, may remove any person appointed by them under the provisions of this act by a vote of two-thirds of the members of said council; and the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council.*

Members of council not to hold office when emoluments are paid from city treasury.

39. *And be it enacted*, That no member of the council shall, during the period for which he was elected, be appointed to or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any work or business, or in the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real

*This section is repealed and supplied by supplement approved March 15, 1861, sec. 5.

estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the city clerk; and the said amount, when received, to be paid in the city treasury.

TITLE IV.—*Of the powers of the council.*

Ordinances.

40. *And be it enacted*, That the said council shall have power to pass, alter, and repeal ordinances, to take effect within said city, for the following purposes:

Public buildings.

First. To manage, regulate, control, and protect the finances and property of the city, and for the building, erecting, and maintaining school houses and a city prison, and such other buildings as may be necessary for the objects of this charter.

Police.

Second. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.*

Fire Department.

Third. To control and regulate the fire department of the city, subject to the provisions of "An act to incorporate the fire department of the township of Hoboken," approved March fifteenth, eighteen hundred and fifty-four, except so much of said act as shall conflict with the provisions of this act, which parts be and are hereby repealed; to make such reasonable regulations, as to the manner of building dwelling houses and other buildings, the manufacture and keeping of gunpowder, fire works, and other dangerous and combustible articles, and to prevent, within certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

*See supplement approved March 17, 1870.

Fourth. To provide lamps, gas posts, and gas, to light the streets, docks, piers, wharves, public squares, and public buildings of said city. Lamps.

Fifth. To control and regulate all the wells and pumps in the public streets and squares, and to make all necessary arrangements for a full and copious supply of good and wholesome water for public and private use; to make ordinances for the distribution of the same, and to impose assessments for the use thereof, which assessment shall be binding upon improved and unimproved lots so assessed, and may be collected in the same manner as prescribed in this act for the collection of assessments for grading, paving, curbing, flagging, and laying out of public streets, squares, and alleys; *provided*, that no arrangement shall be made with any parties which will involve an expense to the city of more than one dollar per annum, per capita, for every actual resident in the city; a census, to determine the number of residents, shall be taken between the tenth and twentieth days of December, in each year, by two persons to be appointed, one by the council and one by the contractor; *and provided*, that when the annual payments to the contractor shall amount to twenty thousand dollars per annum, then the increased payments shall cease, and the contractor shall continue the supply of water at the rate of twenty thousand dollars per annum, but either party may have the privilege of ending the contract, by giving three years' notice to that effect; *and provided*, that the water rates shall in no case exceed the water rates now charged in New York or Jersey City; *and provided also*, that nothing herein contained shall be so construed as to authorize the issue of bonds or other evidences of debt by the city for such purposes; and in case no arrangement shall be made with any company or person to furnish a sufficient supply of water for public and private purposes, as above specified, within one year after this Wells and Pumps. Proviso. Proviso. Proviso.

charter shall go into operation, then that a two-thirds vote of the inhabitants of Hoboken (being legal voters) at their succeeding charter election, may authorize the council to construct proper water works, and to borrow money, in such manner as they may direct, for the construction of such works.

Grading, paving, and regulating streets.

Sixth. To make, lay out, and improve all public streets, alleys, squares, and grounds, and to establish such as have been already laid out; and to regulate and govern the levelling, pitching, and constructing of the streets and alleys and the raising and levelling of streets and alleys and of all lots and grounds for building, as well public as private, except those already established; to establish the boundaries of all streets and public alleys, and prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, gravel, curb, and gutter the streets; to flag, or pave with brick, the side walks, to repair the side walks, or any of them, or any part thereof; to reset the curb and gutters in the streets; to compel the occupiers and owners of improved lots to curb and flag, or pave with brick, the side walks opposite their lots, except those already flagged or paved, and to compel the owners of vacant lots to curb and flag, or pave with brick, not less than three feet wide, the side walks opposite said lots, and to keep the same and the gutters swept and clean, and clear the snow and ice, and other impediments; to prevent horses, cattle, swine, goats, and geese* from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets and riding or driving over or upon the side walks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build

* "And other animals." See supplement, approved March 23, 1859, sec. 3.

sewers and drains in and from the public streets and squares, and such alley ways, as may be dedicated for draining purposes; *provided*, the owners of two-thirds of the property upon such streets or alleys shall petition, in writing, to said council to have such sewers or drains constructed; *and provided*, the owners of two thirds of all property of said city shall petition, in writing, to said council to have such public squares sewered or drained, the clerk of said city to keep on file said petitions, for the inspection of all persons interested, to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and side walks, squares and public grounds, for the purpose for which they are or may be laid out and dedicated, (in all that part of said city lying south of the following described boundaries, to wit: commencing at a point in the centre of the Hudson river due east from the stone wall of Edwin A. Stevens, where it strikes the wall leading to the Sybil's cave, and running west to said wall; thence westerly, along said wall, to the easterly line of Hudson Street; thence notherly, along the easterly line of Hudson street, to the northerly line of Seventh street; and thence westerly, along the notherly line of Seventh street, to the western boundary of said city.)*

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Seventh. To regulate and order the building of a dock at the foot of Third street, in said city, at the expense of said city, such dock not to exceed in width the width of said street and to regulate said dock and the use thereof, when build, and the rates of wharfage, such wharfage to be received by said corporation for their use and benefit, and to make such regulations touching the same, not inconsistent with the laws of

Docks and wharves.

*All of this clause after the words "laid out and dedicated" repealed. See supplement, approved March 23, 1859, sec. 10.

this state and the United States, as to them may appear proper and necessary; but nothing herein contained shall be so construed as to give the corporate authorities any right or privilege as shore owners, nor to deprive the shore owners of any right as shore owners, nor any right to permit or establish a ferry, nor any privilege as riparian owners; and further, that it shall be lawful for the shore owners to fill out or extend the shore along the line of the dock herein provided to be built at any time when they may so elect; but that, in case of any such extension or filling out, they shall, at their own cost, build and extend said dock as many feet beyond the then extreme end of said dock as they shall fill in from the shore, said extension to be made of the same width, and equal in every respect to the dock then in use.

Nuisances.

Eighth. To declare, by general law, what shall be considered nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and to enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, side walks, docks, wharves, and piers.*

Health laws.

Ninth. To provide health laws, and to enact all such ordinances as they may deem necessary to protect the health of the city.†

Inns and taverns.

Tenth. To license and regulate inns or taverns for the sale of or traffic in intoxicating drink or drinks, and to license, regulate, and prohibit hawkers, peddlers, hucksters, butchers, slaughter-houses, and markets, on such terms and under such regulations and penalties as the council shall by ordinance impose; and no other license for such purpose within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers.‡

* Supplement, approved April 6, 1871, sec. 19.

† See supplement, approved April 4, 1867, sec. 4.

‡ Tenth clause stricken out and supplied by supplement, approved March 23, 1859, sec. 4.

Eleventh. To license carmen, hack drivers, omnibus drivers, and porters, and to prohibit all persons, not so licensed, from following the employment of a carman, hack driver, omnibus driver, or porter, in said city.* Carmen and hack drivers.

Twelfth. To provide, that the said councilmen, or a majority of them, in council assembled, by not less than four concurring votes, shall and may, from time to time elect and appoint a keeper of the city prison, a weigh-master, an inspector of lumber, firewood, coal, and other fuel, and to define and prescribe their powers and duties, which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office. Keeper of city prison, &c.

Thirteenth. To prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes. Gaming houses, &c.

Fourteenth. To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality. Riots.

Fifteenth. To punish by fines, or imprisonment in the city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days. Violation of ordinances.

Sixteenth. To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses or other like matters, and the firing of guns, fire crackers, or other fire works, in said city. Interments, &c.

Seventeenth. To restrain all dogs from running at large, and to authorize their destruction.† Dogs.

* Ib., sec. 5.

† "To impose taxes on dogs." See supplement, approved March 23, 1859, sec. 6. For further powers of the council see supplement, approved March 15, 1861, secs. 6, 10, 11; supplement, approved April 4, 1867; supplement, approved April 6, 1868; supplement, approved April 6, 1871.

Council may borrow money.

41. *And be it enacted*, That it shall be lawful for the said council to borrow money, from time to time; *provided*, that the board shall be so empowered by the people at any annual charter election, who shall determine, by a majority vote, the amounts and the general purposes for which any sum may be so borrowed, when in such case it may be lawful for the board of council to secure the payment thereof, by the issue of bonds, or other instrument, under the common seal and the signature of the mayor, and to provide by tax for the payment thereof; *and provided*, there shall not be a greater sum than five thousand dollars raised by loan in any one year, unless the people, by a two-thirds vote at any charter election, otherwise direct; *and provided also*, the said city shall not owe more than ten thousand dollars at any one time, except as provided in Title IV., section 5, of this act.

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Yeas and nays to be recorded.

42. *And be it enacted*, That on the adoption of every ordinance passed by said council, either for the appropriation of moneys, laying of assessment, taxes, or paving and grading of streets, or for appointments or municipal regulations, the yeas and nays, shall be taken, and recorded in full upon the minutes of said council by the city clerk.

TITLE V.—*Of taxes, and their collection.**

Tax authorized to be raised.

43. *And be it enacted*, That the people shall have power, at their annual charter election, by a majority of votes, to raise by tax from year to year, for public purposes, any sum or sums of money, not exceeding in the aggregate the amount hereinafter prescribed; and the council shall appropriate, as directed by the people (at such charter election), all such moneys as have been so directed to be raised, for the purposes of lighting the streets, supporting a night watch, supplying

* See supplement, approved April 6, 1871, sec. 18; also supplement approved April 6, 1868.

the city with water to extinguish fires, for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city prison, for contingent expenses, and all other purposes authorized by this charter; and that the expenditure of such moneys shall be confined to the objects for which they were directed, and be appropriated to no other; and the tax for such purposes shall not exceed, in any one year, three mills* on a dollar of the actual and true value of the property assessed; all taxes for city purposes shall be assessed by the three assessors, acting together, within the time directed by the laws of this state for assessing township, county, and state taxes, in the manner following: They shall assess a poll tax on every white male resident over the age of twenty-one years, who is not a pauper, not less than fifty cents, no more than one dollar, which shall be a school tax, and shall be paid to the superintendent of public schools, for the support of public schools; they shall also assess real estate and chattels situate in the city, both of residents and non-residents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for public schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and council of said city, in their corporate capacity, by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and the value of personal chattels which they assess to each person; and every person owning or having in his charge any lands or chattels in said city shall, on application of said assessors, or either of them disclose and specify the quantity and situation of such

Manner of assessing and collecting tax.

* "Three mills" stricken out and "eight mills" substituted. See supplement, approved April 6, 1866.

lands, and the amount, nature, and value of such chattels; and if any person refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth, and such person shall have no relief therefrom before the commissioners of appeal, except for so much as exceeds the double value of his estate; and the residue of such city tax after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as is required to make such residue; and all taxes so assessed for city purposes shall be collected by the collector, in the same manner as he is by law directed to collect township, county, and state taxes, and shall be paid over by him to the city treasurer, except such moneys as may have been collected for public school purposes, which shall be paid over to the superintendent of public schools, as soon as collected, and before the thirtieth day of December, in each year.

Expenses of collection.

44. *And be it enacted*, That the several assessors shall, in addition to the whole amount of taxes authorized to be laid, assess, to cover losses and expenses, such sum or sums as will cover their own and the collectors' fees, as allowed by law, and five per cent. additional upon the whole sum to be raised,* to be applied to the supply of any deficiency by reason of losses of taxes not collectable, and to defray the necessary expenses of collection; the surplus, if any, shall be applied to such purposes as the council may direct.†

Collector to make return of delinquent tax-payers.

45. *And be it enacted*, That the collector of the said city, in case of the nonpayment of taxes on or before the twentieth day of December, in each year, shall make out a list of the names of the deliquents, with the sums due from them, respectively, thereto annexed,

* "Fifteen per centum." See supplement approved April 4, 1867.
† See supplement, approved March 23, 1859, sec. 7.

and deliver the same to the clerk of the said city on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following;* and it shall be the duty of such clerk to lay the same before the council, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said council shall deliver the same to the collector of arrears of taxes, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law;† *provided*, such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation, before some justice of the peace of said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each deliquent who could be found or may then reside in the said city.

Proviso.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the collector of arrears of taxes to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the twentieth day of December, in each year, until the same is paid; and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected, except such as have been collected for public school purposes, which shall be paid over to the superintendent of public schools.

Interest to be charged on unpaid taxes.

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* "Fifteenth day of January." See supplement, approved March 30, 1869.

† Amended, see supplement, approved March 15, 1861, sec. 13, 14.

Collector may deduct interest in certain cases.

47. *And be it enacted*, That if any person or persons from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same or any part thereof, to the collector of the said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax, so paid, interest thereon, to be computed at the rate of seven per centum per annum, from the time when the said tax shall be received by the said collector until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said council, or the treasurer of said city, from paying over to the treasurer of this state, or the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes.

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Real Estate may be sold for payment of taxes.

48. *And be it enacted*, That all taxes and assessments, which shall hereafter be assessed or made upon any lands, tenements, or real estate situate in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements, or real estate to be sold at auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under the common seal of the said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy

the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said council shall first have caused such sale to be advertised, for at least sixty days, in at least one public newspaper printed and published in said city and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, tenements, or real estate, so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and on behalf of the owner mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem, at any time, until after the expiration of the six months' notice herein specified; no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be effected by such sale,

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unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed so as to impair the lien created by such tax, assessment or sale, within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the city clerk's office a copy of the notice served together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said term of time for which any land, tenement, or real estate, so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, of those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the council may direct; *and provided*, that if, at any sale of lands, tenements, or real estate, for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawfull for the said council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days'

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notice, at least, shall be given, as aforesaid, of the said adjourned sale; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest, at the rate of seven per centum per annum; and such lien shall have precedence of all other liens on said lands, tenements, or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to record, in a book, to be called "records of sales," all declarations of sale, to give certificates of search, in relation to liens, to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the city clerk's office.

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Notice to be given of time for redemption.

49. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.*

Assessment and collection of state and county taxes.

50. *And be it enacted*, That all state and county taxes shall be assessed by the assessors in like manner and upon the same property as city taxes are assessed, and they shall be collected by the collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector, in like manner and under like penalties as township collectors are directed by law; *provided however*, that the proportion or quota of tax to be levied and collected in said city for state and county purposes shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this state is or may be adjusted and fixed for the several townships in this state, for which purpose the assessors shall make a list of such persons and property as are by law liable to such taxes.

Proviso.

Lamps, water and police district.

51. *And be it enacted*, That the council shall establish, by ordinance, certain limits in said city, to be called the lamp, water, and police district, which district shall not extend north of the line designated in Title IV., section 6, of this act, nor northwest of the line of lands of the late John G. Coster, and shall appropriate such moneys as may be directed by a vote of the people, which shall be raised for the expenses of lighting the streets, and supporting the police, and providing water, and such amount shall be assessed only on property lying within such lamp, water, and police district; and

* Owner to pay full costs of advertising. See supplement, approved March 15, 1861, sec. 20.

the assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp, water, and police district.*

TITLE VI.—*Of improvements, and assessments therefor.*

52. *And be it enacted*, That all expense for improvements in opening, grading, guttering, curbing, bridging, and paving streets, and for flagging side walks, and for filling and refilling side walks, and for repairing and resetting flagging in or on the side walks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for building wells, pumps, cisterns, drains, and sewers, shall be assessed upon and paid by the lands and real estate benefited by the same, in proportion to the benefit received; †all propositions for such improvements, except for opening streets and constructing sewers, shall be advertised by the council, in one of the city papers, for twenty days before the same are adopted, and the parties interested shall, if they desire, have an opportunity of being heard thereon before the council or their appropriate committee; *provided*, that for paving any street, or portion of a street, lying without the limits before described, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed by the council from the freeholders resident in the city, which commissioners shall examine into the whole matter, and shall determine and report, in writing, to the council, what real estate ought to be assessed for such improvement, and what proportion of such expenses

Assessments for opening and repairing streets.

Proviso.

* Sec. 51. Repealed. See supplement, approved March 23, 1859, sec. 9.

† See supplement, approved Feb. 23, 1870.

shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, and be by him recorded in the assessment book; whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the council will meet at a time and place, to be specified in said notice, to consider said assessment, and receive and consider all objections thereto, which may be presented in writing; and if the council shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Lands may be taken on payment of value.

53. *And be it enacted*, That the council shall have power to take any lands that they may judge necessary for the opening of Third street, upon paying to the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any district lot, or parcel, or tenement, by taking part of it for such purpose; *provided*, that the owners of property benefited thereby shall pay a just and equitable proportion of the expenses and costs of opening said street.

Proviso.

Payment of assessment of damages to owners.

54. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot or an infant, or if, from any other lawful cause, he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the

city clerk; and the council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys, so deposited, shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

Commissioners of assessment to take oath.

55. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the mayor or city clerk, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the council shall, by general ordinance, fix and ordain, such compensation not to exceed two dollars per day.*

Grading and paving public streets.

56. *And be it enacted*, That the council shall have power to grade, pave, and remove obstructions in all streets, public grounds, and public squares, that are or may become public streets, public grounds, and public squares or highways, by dedication or otherwise (south of the lines heretofore described.)†

Expenses, how paid.

57. *And be it enacted*, That all work and materials for improvements, exceeding in cost one hundred dollars, shall be done or furnished by contract, and all contracts for doing work, or furnishing materials for the improvements provided for in this act, shall be advertised for twenty days previous in a city paper, and

* The words "south of the lines heretofore described" repealed. See supplement, approved March 23, 1859, sec. 11.

† See supplement, approved March 15, 1861, sec. 8.

shall at all times be given to the lowest bidder who will comply with all the requirements of the council and will give ample freehold security for doing said work and furnishing said materials according to contract; and all bids shall be opened in public, and at a time previously noticed in the advertisement above mentioned.*

TITLE VII.—*Of the auditing of claims against the city.*

Claims against city to be audited.

58. *And be it enacted*, That all claims and demands against the city shall be audited by the council, upon days to be designated for the purpose, at least as often as once in three months; all claims must be presented in writing; they shall be numbered and filed by the clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim, made by the clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that the entry shall serve as an alphabetical index to the claim; the book shall be provided with a column, in which shall be entered, after the claim, the date, when it is audited, and the amount, if any, allowed thereon; the claims shall be audited, and the amounts allowed paid without unreasonable delay; in case the council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon within six months from the time the same was audited.

Notice to be given of auditing accounts.

59. *And be it enacted*. That at least two weeks before Thursday, in the second week prior to the annual city election, the council shall cause a notice to be published in one or more of the newspapers published in said city or county, and the publication to be continued for two

* See *ib.* sec. 9.

weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited; upon such Thursday the council shall meet, and proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed or may then allow.

Claims not to bear interest, except in certain cases.

60. *And be it enacted*, That no claim against the city, which has been presented to the council to be audited, shall be withdrawn from the files; no claim or demand against the city which has not been audited, or which has not been liquidated by the council, shall bear interest, unless it shall have been presented to the council to be audited previous to or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments.

Costs on actions against city.

61. *And be it enacted*, That no costs shall be recovered against the city, in any action brought against it for any unliquidated claim which has not been presented to the council to be audited, nor shall costs be recovered against the city, in any action upon any unliquidated claim which shall have been allowed in part by the council, unless the recovery shall be for a greater sum than the amount allowed by the council, with the interest thereon from the time it was allowed.

TITLE VIII.—*Miscellaneous provisions.*

Taxes unpaid when act takes effect.

62. *And be it enacted*, That all taxes and assessments made and due before this act shall take effect in the township of Hoboken, and not then paid, shall be collected and received by the mayor and council of Hoboken, in the name of the collector of the township of Hoboken; and the property liable to be sold therefor shall

be sold as if this act had not been passed; and any duty in such collection and sale, imposed upon any officer under the township, shall be performed by the corresponding officer elected or appointed under this act.

Council to fix salaries of officers.

63. *And be it enacted*, That the council shall have power to fix the salary, pay, or compensation of all officers appointed by them by general ordinance, such salary or pay shall not exceed that of similar officers in Jersey City; and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term of office.

First charter election.

64. *And be it enacted*, That the first charter election under this act shall take place on the second Tuesday in April next, and it shall be held by one judge, two inspectors of election, and one clerk in each ward; those entitled to act by the laws of the township shall hold the election in the first wards, and those for the second and third ward shall be appointed by the township committee; and said election shall be held at such place as before directed; and said township committee shall cause notice of the appointment of such officers, and such places for holding the polls, to be published and posted, for at least seven days before the day of election, in the several wards of said city; and the present town committee and three judges of election shall meet at the town hall on the morning of Thursday next after such election, at ten o'clock, A. M., and be a board of canvassers of such election; and the clerk of election in each of said wards, shall bring, in person, to such board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward, and from such statements, the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of

votes for any office elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the clerk of said city.

Inhabitants not incompetent witnesses in trials where city is party.

65. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact, to which issue or investigation the mayor and council of Hoboken is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness, or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Terms of present officers, when to cease.

66. *And be it enacted*, That all the township officers of the township of Hoboken shall continue in office and have all the power and authority now vested in them by law, until the mayor and council first elected under this act shall be sworn into office and organized, from and after which time their authority shall cease and determine, except so far as shall be necessary to carry out the provisions of this act.

Compensation of officers.

67. *And be it enacted*, That the sums hereafter specified, and no other, shall be the pay or compensation to be received per annum by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state, the mayor shall receive the sum of two hundred and fifty dollars, the treasurer the sum of fifty dollars, the city clerk the sum of three hundred dollars; the collector shall receive the same fees as those paid to the township collectors in other townships of the state; the collector of arrears of taxes shall receive five per cent. upon all moneys received by him, which amount he shall be en-

titled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of two dollars for every day actually spent in the service of the city; each councilman shall receive one dollar per day for each day actually spent on the business of the city; the overseer of the poor, the poundkeeper, the assessors, judges of election, inspectors of election, clerk of election, commissioner of appeals, shall receive the same compensation that the overseer of the poor, the poundkeeper, the assessors, the judges of election, the inspectors of election, and the commissioner of appeals, of the different townships of the state, are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer, upon the presentation of the proper warrant, on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.*

Justices of the peace and commissioners of deeds.

68. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds shall continue in office, for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act; and that each ward shall be entitled to two commissioners of deeds, who shall be appointed in the manner prescribed by the statutes of the state.

Election to be held for adoption or rejection of charter.

69. *And be it enacted*, That this act shall not go into effect unless the assent of a majority of the electors of the township of Hoboken shall be first obtained, and for this purpose, a poll shall be opened on the twenty-ninth day of March, eighteen hundred and fifty-five, between the hours of twelve o'clock, noon, and six in the afternoon, under the direction of the inspectors of the last election of the said township, and at the place where the last election was held for members of the township

* See supplement approved, March 23, 1859, sec. 12.

committee, of which time and place the township committee of said township shall give, at least, one week's previous notice in one of the newspapers published or circulated in the said township; and the electors entitled to vote for members of the township committee of said township, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said township; and those electors who are in favor of the said law shall each deposit a ballot containing the word "Charter," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon, and a canvass and return of the votes shall be made by the said inspectors to the township committee of Hoboken; and if a majority of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Former acts repealed.

70. *And be it enacted*, That all acts in relation to the township of Hoboken, and all provisions of a public character in any of the acts relative to the Hoboken Land and Improvement Company, and the Bergen Land Improvement Company, inconsistent with this act, be and are hereby repealed, but the repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

Act may be repealed, &c.

71. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

Vested rights of persons or corporations.

72. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 28, 1855.

CHAPTER CXCVIII.

AN ACT to authorize the Mayor and Council of the city of Hoboken to sell or exchange the lands known as the burying ground in the city of Hoboken.

Preamble.

WHEREAS, the late John Stevens, dedicated to public use a plot of ground in Hoboken, known as the burying ground, situated between Hudson and River, and Sixth and Seventh streets, in Hoboken, being the said lands described in a certain deed from the Hoboken Land and Improvement Company of the county of Hudson, New Jersey, to the mayor and council of the city of Hoboken, dated October first, eighteen hundred and fifty-five; AND WHEREAS, the said plot is located in the central portion of the city of Hoboken, and it is considered that the further use thereof for burial purposes will be prejudicial to the health of our citizens; AND WHEREAS, the same can be advantageously sold or exchanged for other lands of equal or greater extent; therefore,

Mayor and council authorised to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the City of Hoboken to sell and convey said plot of ground, and with the proceeds thereof to purchase other lands, in such place or locality as the said council by a two-third vote of all the members thereof may direct, or to exchange the same for other lands, to be selected and located by the aforesaid two-third vote of said council, and the lands so purchased or acquired by said exchange shall be and the same is hereby set aparat forever as a public burial place, for the use of the inhabitants of the city of Hoboken.

Disposit on of surplus money.

2. *And be it enacted*, That upon the completion of such purchase or exchange, it shall be lawful for said council, by like vote, to expend any part of the surplus

moneys arising out of said sale or exchange, in preparing, regulating and ornamenting said new cemetery grounds.

Superintendant of Grounds to be appointed.

3. *And be it enacted*, That the care and control of said grounds and of burials therein, shall be vested in the council of the city of Hoboken, who may appoint and compensate a person to superintend the same, the mayor and council of said city may give and receive the necessary conveyances to perfect said sale or exchange.

Moneys received to be paid to city treasurer.

4. *And be it enacted*, That all moneys received, either by sale or exchange of said lands, shall be placed in the hands of the city treasurer of the city of Hoboken, or such other person as said council shall by a majority vote of all its members direct, he or they giving sufficient security for the payment of the same to their order, and shall be expended for the purposes indicated in this act and no other.

Removal of bodies from burial grounds.

5 *And be it enacted*, That the friends of the deceased interred in the above described lands may remove the bodies therefrom within three months after such sale or exchange, and that at the expiration of said three months the purchaser of the said lands shall, at his own proper cost, under the direction of a person or persons appointed by the council of the city of Hoboken, cause to be removed all remains therefrom and inter the same in a portion of the public burial ground, authorized to be acquired under the provisions of this act, and in case the said purchaser shall neglect to do so at the end of one month, then the same shall be done by the said council or under their direction, and the expense thereof shall be a lien upon said first mentioned burial ground, and be assessed and collected in the manner provided in the city charter for the collection of assessment for improvements.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1857.

CHAPTER XCVIII.

AN ACT to authorize certain streets, marked out on a plan of the city of Hoboken, to be changed.

Preamble. WHEREAS, on a plan of the city of Hoboken, filed in Bergen county clerk's office, on the eighth day of April, eighteen hundred and fifty-five, and by which sales of lots have been made, a part of the land north of Sixth street and east of Hudson street, were laid out in lots, and streets were marked only on said plan, and without any actual survey or laying out upon the ground; AND WHEREAS, the said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; AND WHEREAS, other streets can be planned and laid over said lands, more adapted to the natural grade of the surface, that will greatly add to the value of the said lands; AND WHEREAS, no streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, that the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands, have applied for a law annulling any right that might exist in the public or anybody or person whatever, to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the street marked out on the said plan of the city of Hoboken, next east of Hudson street and parallel thereto and north of Seventh street, and all that part of the Second street, east of Hudson street and parallel thereto, and north of Sixth street, and all that part of Seventh street, east of the street next east of Hudson street, and all that part of Eighth street east of Hudson street, are heresy vacated and made void; and it shall not be lawful for any public or municipal authorities, or any person whatever, to open or use the same as public streets; and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same. Parts of certain streets vacated.

2. *And be it enacted*, That the owners of the lands across and over which said streets are laid out, are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of and adjacent thereto, other streets, in such manner as shall be, in their judgment, most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the office of the clerk of the county of Hudson, before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets, so laid out thereon, to public use; and they shall be public streets, whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken. New streets to be laid out.

Approved March 6, 1858.

CHAPTER CCXXX.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Duties, powers and compensation of commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That section twenty-two of said act be repealed, and that the following be substituted in lieu thereof: "*And be it enacted*. That the commissioners of appeal shall have the same powers and perform the like duties, and be entitled to like compensation that the commissioners of appeals in the several townships of this state now have or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing, in cases of taxation, under oath, as to the valuation or amount of the chattels and real estate assessed against them respectively; and it shall be the duty of said commissioners to receive the oath or affidavit of any and every person appealing, when offered or presented by him or them relative thereto; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in such affidavit; and all affidavits so presented shall be filed by said commissioners in the office of the clerk of the city."

Section 32 of former act amended.

2. *And be it enacted*, That section thirty-two of said act be amended by inserting after the words "may adjourn from day to day," the words following: "and compel the attendance of absent members."

6th clause of section 40 of former act amended.

3. *And be it enacted*, That the sixth clause or subdivision of section forty of said act be amended by inserting immediately after the words "goats and geese," the words "and other animals."

10th clause of section 40 of former act amended.

4. *And be it enacted*, That the tenth clause or subdivision of section forty of said act be stricken out, and

the following inserted in the stead thereof: Tenth. To license and regulate inns or taverns and other houses of public entertainment for the sale of, or traffic in, spirituous, vinous, fermented or other intoxicating drink or drinks, and to prohibit, by fine or penalty, all traffic in, or sale of such spirituous, vinous, or other intoxicating drink or drinks by all or any person or persons not having a license from said council for that purpose; and to license, regulate and prohibit hawkers, peddlers, hucksters, butchers, slaughter houses and markets, on such terms, and under such regulations and penalties, as the council may, by ordinance, impose; and no other license, granted for such purposes within said city, by any other authority, shall be lawful, except licenses granted by the governor of this state to hawkers and peddlers.

11th clause of section 40 of former act amended.

5. *And be it enacted*, That the eleventh clause or subdivision of section forty of said act be amended by inserting immediately after the words "porter in said city," the following: "and to license hacks, omnibuses and stage coaches, and to prevent, by fine or imprisonment, all hacks, omnibuses and stage coaches from running or being run within or through said city without such license."

17th clause of section 40 of former act. amended.

6. *And be it enacted*, That the seventeenth subdivision or clause of section forty of said act be amended by inserting at the beginnig thereof the following: "to impose taxes on dogs."

Section 44 of former act amended.

7. *And be it enacted*, That section forty-four of said act be amended by striking out the words "five per centum," and inserting "ten per centum," in lieu thereof, and also by inserting immediately after the words "be applied to," the following: "the payment of salaries and."

Evidence of publication, &c., of ordinance to be filed.

8. *And be it enacted*, That the due publication of all ordinances heretofore passed by said council, or that may hereafter be passed by them, and posting of all

notices required to be published or posted by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the city clerk, and shall be evidence of such publication and posting in all courts and places.

Section 51 of former act repealed.

9. *And be it enacted*, That section fifty-one of the act to which this is a supplement be and the same is hereby repealed

Part of 6th clause of section 40 of former act repealed.

10. *And be it enacted*, That all that part of the sixth clause or subdivision of section forty, title four, after the words "for the purposes, for which they are or may be laid out and dedicated," be and is hereby repealed.

Part of sec. 56 of former act repealed.

11. *And be it enacted*, That the words "south of the lines heretofore described," in section fifty-six of the act to which this is a supplement, be and the same is striken out and repealed.

Compensation of officers.

12 *And be it enacted*, That the sixty-seventh section of the act to which this is a supplement, be and the same is herby repealed, and the following inserted in lieu thereof: That the sums hereafter specified, and no other, shall be the pay or compensation to be received by the persons filling the following offices for the time being, and shall remain the same until altered by the legislature of this state: The mayor shall receive the sum of two hundred and fifty dollars per annum; the treasurer the sum of two hundred dollars per annum; the city clerk the sum of five hundred dollars per annum; the collector of taxes the sum of three hundred dollars per annum; the collector of arrears of taxes shall receive five per centum upon all moneys collected by him, which amount he shall be entitled to demand and receive from the person or persons owing and paying said arrears of taxes and assessments; the street commissioner shall receive the sum of three hundred

dollars a year; each councilman shall receive one dollar and fifty cents per day for each day actually spent in the business of the city; the assessor of each ward shall each receive the sum of one hundred and fifty dollars per annum; the poundkeeper, judges of election, inspectors of election, clerk of election and commissioners of appeals shall receive the same compensation that the poundkeeper, the judges of election, clerk of election and inspectors of election, and the commissioners of appeals of the different townships of the state are entitled to receive by the statute laws of the state; and the payment of all salaries shall be made by the city treasurer upon the presentation of the proper warrant on the first day of each quarter of the fiscal year, out of any moneys he may have on hand belonging to said city.

13. *And be it enacted*, That this act shall be deemed a public act, and take effect on the first day of May, eighteen hundred and fifty-nine; and that so much of the act to which this is a supplement, and all other acts, or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed. Public act.

Approved March 23, 1829.

CHAPTER CXXX.

AN ACT to create a new township in the county of Hudson, to be called the "township of Weehawken."

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly, of the State of New Jersey*, That all that part of the city of Hoboken and the township of North Bergen, in the county of Hudson, included within the following boundaries, that is to say, commencing on the westerly side of the road leading from Bull's ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands, formerly of Mitchel Saunier and John Van Horne, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning running in a southeasterly direction, down the bank of Hudson river, following the same dividing line, and a continuation thereof if protracted to the middle of Hudson river; from thence, returning to the place of beginning; and from said place of beginning running southerly, and along the westerly side of said road, to the northerly side of the Bergen turnpike road, opposite the lands of John Ehlers, and where said roads intersect; thence northwesterly, and along the northerly side of the said turnpike road, until you reach a point opposite to the intersection of the Palisade avenue with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said avenue in a southwesterly direction, to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary line of said Loss property inter-

sects the said Bergen turnpike road, and across said road, and in a continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office; thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid, to the northeast corner of Hudson and Seventh street; thence easterly along the northerly line of Seventh street to the northeasterly corner of River and Seventh street; thence southerly along the easterly side of River street to the northerly side of Sixth street, and then east along the north line of Sixth street to the river; and thence in a continuation of said last mentioned line, if protracted to the centre of the river; thence up the river, and along the middle thereof to a point which will reach the line first protracted as aforesaid, to the middle of Hudson river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of Weehawken," in the county of Hudson, and state of New Jersey, and are vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to

the same government and liabilities as are prescribed in the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors within their respective limits at the last assessment, and subject to like obligations and responsibilities, with other townships in the said county, in the same manner as if herein particularly enumerated and set forth.

Annual town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken, as shall be determined by the electors of said township, in the manner prescribed by law.

Settlement of paupers.

4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in the said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

Justice of the peace, &c., to hold office until expiration of term.

5. *And be it enacted*, That justices of the peace, commissioners for taking the acknowledgement and proof of deeds, and other officers residing within the limits of the township of Weehawken, shall hold their offices until the same shall expire by their own limitation.

Lands, set off, to be subject to proportionate share of debt of Hoboken.

6. *And be it enacted*, That such portion of the lands and property in the first section of this act described, and therein included, as are separated and set off from the city of Hoboken, shall be subject to a proportionate share of any debt or obligation incurred by the city of

Hoboken; and also such portion of the lands and property in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson, and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity, upon the lands and property aforesaid, in the proportions and in the principles aforesaid.

Part of former act repealed.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the creation of the said township of Weehawken, and the boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

Assembly district.

8. *And be it enacted*, That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1859.

CHAPTER CCCCXLIII.

A further supplement to an act entitled an act to incorporate the city of Hudson, approved April eleventh, eighteen hundred and fifty-five.

Flights of steps or stairs to be erected and kept in repair.

4. *And be it enacted*, That when the said common council shall cause to be laid out or opened, any street or avenue easterly of Hudson avenue, or easterly of Palisade avenue as empowered by a supplement to the act to which this act is a supplement, approved March twenty-fourth, eighteen hundred and sixty-four, it shall be lawful for said common council to erect or maintain and keep in repair on the same, such flights of stairs or steps of stone or iron, or both, or combined as in their estimation may be required, for the purpose of enabling travellers and pedestrians to ascend and descend the ridge existing near the easterly boundary of the city, the expense for the erection of which, shall be assessed in the same manner as for any improvement in section forty-second of the act to which this act is a supplement, and according to second section of this supplement; and the expense for maintaining and keeping in repair shall be paid out of the city treasury, and that the appropriation for street repairs shall include such expenditure.

Boundaries of tract of land annexed to city.

6. *And be it enacted*, That the following described tract of land, on and near the easterly boundary of said city, is hereby annexed to said city, and shall be included within the corporate limits of the same, that is to say, all that certain tract of land beginning at a point in the southeasterly side of the Hoboken turnpike, at the turn in the same at the foot of the hill; thence running in a straight line along the foot of the hill to the centre of the Paterson and New York plank

road; thence along the centre of the said Paterson and New York plank road to a point where the southerly Line of Ninth street, as laid down on a map of the property of John G. Coster, deceased, if produced, would meet the said centre line of said Paterson and New York plank road; thence along the said southerly line of Ninth street produced to the westerly line of the said Coster property, as laid down in said map; thence along the said westerly line of the said Coster property the various courses thereof to the southerly side of the tide bank on the southerly side of the Hoboken turnpike; thence along the southerly side of the said tide bank to the bridge, near the foot of the hill, thence along the southeasterly side of the said Hoboken turnpike to the point of beginning; and that the plot of land embraced within the boundaries aforesaid be, and the same is hereby, annexed to the third ward of said city.

Approved April 11, 1867.

CHAPTER CLXXIX.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

Amendment of former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three, of title two, of said act, be amended by adding after the words "a clerk of the city," the words "two assessors," and also by striking out the words "a poundkeeper;" that section four, of title two, be amended by striking out the words "one assessor," and also by striking out the word "three," and inserting the word "two" in its place.

Of the clerk and fire warden.

2. *And be it enacted*, That the clerk of the city shall be clerk of the commissioners of appeal, and shall have power to administer all oaths and affirmations necessary to be used before said commissioners; that the council shall have power to appoint a fire warden of said city, in such manner as they shall by ordinance prescribe, and also to fix his compensation.

Salary of city clerk.

3. *And be it enacted*, That the city clerk shall receive for his pay and compensation six hundred and fifty dollars per annum, and shall keep his office open at least seven hours each day, except Sundays, at such times as shall be prescribed by an ordinance of the council.

Fees to clerk in certain cases.

4. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

Of removal of certain officers.

5. *And be it enacted*, That section thirty-eight of said act to which this is a supplement, be repealed, and the

following inserted in lieu thereof: "*and be it enacted*, that any officer, except the mayor, may be removed from office for cause by resolution of the council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected to said council vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council." Proviso.

6. *And be it enacted*, That section forty of said act be amended by inserting at the end of the seventeenth subdivision thereof the following provision: "eighteenth —to prescribe and define the duties of all officers elected and appointed under or by virtue of this act, except the mayor, justices of the peace, councilmen and chosen freeholders." Amendment of former act.

7. *And be it enacted*, That section forty-three of said act be amended by inserting after the words "maintaining public schools," the words "maintaining the fire department." Of the fire department.

8. *And be it enacted*, That section fifty-five of said act be amended by adding the following provision at the end thereof: "and whenever within said city any assesment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the council, it shall be lawful for the council to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum from the time of confirmation of said assessment until the same be paid; that any assessment or estimate of value in damages made by any commissioners under this act, or the act to which this is a supplement, that may be made upon principles contrary to law, and the provisions of this act, or the act to which this is a supplement, may be Of taxes upon real estate, &c.

reviewed, and for such cause set aside by the supreme court or the circuit court of the county of Hudson, upon certiorari, and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew as to the part set aside, and for the purpose of such examination the supreme court or said circuit court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose."

Of contracts for work, &c.

9. *And be it enacted*, That section fifty-seven of said act be amended by striking out the words "and shall at all times be given to the lowest bidder who will comply with all the requirements of the council, and will give ample freehold security for doing said work and furnishing said materials according to contract," and by adding the following provision at the end thereof; "but the council shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper, and in case of such rejection the council shall again advertise for proposals, and proceed in all things as if no proposals had been offered."

Powers of council to fix salaries and make appointments.

10. *And be it enacted*, That section sixty-three of said act be repealed, and the following inserted instead thereof: "*and be it enacted*, that the council shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except such as are provided for in this act, or the act to which this is a supplement, by general ordinance, and the salary or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office; and that said council shall have power and authority by general ordinance to appoint a corporation attorney, a city physician, a corporation printer a poundkeeper, a sergeant-at-arms of the council, and such subordinate and other officers and agents of said

city not named in this act or the act to which this is a supplement, as they shall think necessary either for the better ordering and governing said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until the first Monday in May after their election or appointment, or until others shall be appointed to succeed them, and be sworn into office.'

Council may allow railroads to be constructed.

11. *And be it enacted*, That it shall be lawful for the council by general ordinance to grant permission to any person or persons, or corporation, to lay railroad tracks, and run rail cars thereon in or over any street or highway within said city, under such licenses, conditions and restrictions as the said council may think proper, and to alter, change or revoke the same at pleasure; *provided*, that no such grant or permission shall be made or given until a majority of the property along the line of such street or highway shall have first given their consent in writing for such railway track to be laid.

Proviso.

Powers of policemen.

12. *And be it enacted*, That it shall be lawful for the captain of police or any policeman of said city to serve all processes for violation of any ordinances of said city, and for the suppression of vice and immorality, in the same manner as constables in townships.

Of tax warrants.

13. *And be it enacted*, That section forty-five of said act be amended, by striking out the words "who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law."

Duties of collector of arrears of taxes.

14. *And be it enacted*, That it shall be the duty of the collector of the arrears of taxes, immediately after the delivery to him of the list of delinquents, to proceed to collect the arrears of taxes; and that for that purpose he shall possess all the powers conferred on con-

stables in the several townships in like cases, and in case any such delinquent shall neglect or refuse to pay such arrears of taxes, and in case no sufficient goods and chattels of any such delinquent can be found, to levy and make the amount of such arrears, together with the fees, costs and charges, then it shall be the duty of the collector of arrears of taxes to arrest the body of such delinquent, and commit him to the keeper of the common jail of the county of Hudson, there to remain until he shall pay such arrears of taxes and the costs, charges and expenses, or be delivered by due course of law; and no goods or chattels of any kind, except wearing apparel, shall be exempt from sale for taxes in said city; and upon the expiration of the office of such collector of arrears of taxes, if any taxes which shall remain uncollected shall be returned by him to the said council, it shall be the duty of the said council to deliver such list to the new collector of arrears of taxes, who shall proceed thereon for the collection of the same, in like manner as above directed.

Fees of collector.

15. *And be it enacted*, That the collector of arrears shall receive five per cent. upon all moneys collected by him of taxes assessed upon real estate, and ten per cent. upon all moneys assessed on personal property; Proviso. *provided*, that in case an assessment be made upon both real and personal property against any one individual or corporation, then the said collector of arrears shall receive five per cent. upon the whole sum collected by him from such individual or corporation; and in all cases thirty-eight cents for each distress actually made by him.

Amendment of former act.

16. *And be it enacted*, That section forty-three, title five, of said act be amended by striking out the words "three assessors," and inserting in lieu thereof the words "two assessors."

Relating to cemetery.

17. *And be it enacted*, That the city council shall have power to dispose of by ordinance to the inhabi-

tants of the city of Hoboken, so much of the Hoboken Cemetery grounds, for burial purposes, as they may deem necessary, under such conditions and restrictions as to them shall seem proper, and shall also provide for laying out, keeping, maintaining, improving and adorning said cemetery.

Liability for excess of appropriation.

18. *And be it enacted*, That each and every member of the said council shall be held personally liable to the mayor and council of the city of Hoboken, for any indebtedness against the said city, voted for by such member, beyond the appropriations made by the people at their annual election.

Houses to be numbered, &c.

19. *And be it enacted*, That the council shall have power to cause all the houses within the boundaries of said city, to be numbered in such manner as they may deem most advisable, and to place on the corner of the various streets, a sign with the name of the street and the No. of the house of which it is attached; also, to vacate the names of all parts of streets known as places; they shall cause a book to be made showing the number of divisions in each block, and the street number of the lot, which numbers shall remain in the assessment number of said lots, or their divisions, until a re-numbering shall be ordered by said council; they may also, by ordinance, direct the kind of number that shall be placed on each house, and prescribe a penalty for non-compliance therewith.

Amendment of former act.

20. *And be it enacted*, That section forty-nine be amended, by adding thereto the words, "and the owner, mortgagee, occupant, or person interested therein, or any other person for or on behalf of the owner, mortgagee, or claimant shall be required at the time he, she or they shall redeem the said property, to pay all the costs, charges and expenses of advertising as aforesaid.

Repealed.

21. *And be it enacted*, That all such parts of the act, to which this is a supplement, and any supplement

thereto, as are inconsistent with any of the provisions of this act, are hereby repealed, and that the said act shall hereafter be taken and read as if the amendments and alterations by this act provided for, had originally been made in said act.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1861.

CHAPTER X.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, Anno Domini one thousand eight hundred and fifty-five.

Preamble. WHEREAS, the corporate authorities of the city of Hoboken are required by the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, Anno Domini one thousand eight hundred and sixty-one, to allow and pay to certain persons in said act mentioned, each the sum of six dollars per month; and whereas, for the purpose of carrying out the beneficent objects of said act, it is necessary that the said corporate authorities should have power to procure a temporary loan of a sufficient sum with which to make such allowances and payments—therefore,

May issue bonds. 1. BY IT ENACTED, *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the mayor and council of the city of Hoboken to issue bonds, under their corporate seal and the signature of the mayor of said city, for an amount not exceeding three thousand dollars; each bond being for such sum as to them shall seem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, the principal being payable on the first day of February, Anno Domini one thousand eight hundred and sixty-five, the credit and whole property of said city being pledged for the payment of the same; which bonds it shall be lawful for the said mayor and council of the said city to sell at public or private sale, as the proceeds of the same shall be needed.

Application of proceeds.

2. *And be it enacted*, That it shall be the duty of the mayor and council of the City of Hoboken, to apply the net proceeds of said bonds in making payments to such persons who are entitled to receive six dollars per month under the direction of the corporate authorities of the City of Hoboken, by virtue of the provisions of the act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, Anno Domini one thousand eight hundred and sixty one, or by virtue of the provisions of any supplement which may hereafter be made to said act, and for no other purpose whatsoever.

Interest to be paid.

3. *And be it enacted*, That it shall be the duty of the treasurer of said city to pay the interest upon the said bonds, whenever the same shall be due, out of any money which may at the time be remaining in the contingent fund of said city.

To be paid when due.

4. *And be it enacted*, That when the said bonds shall become due and payable, they shall be paid by the mayor and council of the said city with the moneys received from the treasurer of this state, under the provisions of the third section of the act last above referred to.

When may be paid.

5. *And be it enacted*, That the mayor and council of the City of Hoboken are hereby empowered to pay all or any of the said bonds at any time prior to the first day of February, Anno Domini one thousand eight hundred and sixty-five; and that each bond shall cease to bear interest at the expiration of thirty days after a resolution passed by the council of said city ordering such bond to be immediately paid.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1862.

CHAPTER XXXIX.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Powers of mayor and council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby required to procure the public burial ground of the said city to be laid out into avenues and lots, and shall cause a map to be made of the same, which map they shall cause to be filed in the clerk's office of the County of Hudson before selling or disposing of any of the lots in said cemetery.

May convey lots.

2. *And be it enacted*, That the mayor and council of said city, and their successors, may sell or otherwise dispose of the lots in the said cemetery, by conveyances to the respective purchasers thereof in fee by deed, under the corporate seal of said city, signed by the mayor and attested by the clerk thereof, to be occupied only as burial places for deceased human beings, with the uses and privileges of the several avenues, walks and chapels in said cemetery, subject to such regulations as may be established by the mayor and council of said city in relation to the same.

Management.

3. *And be it enacted*, That the care and management of the said cemetery shall be confided in the mayor and council of said city, and their successors, who shall have the exclusive superintendence thereof with power by ordinance to provide for the appointment and employment of such officers and agents as they may deem expedient, to prescribe their duties and to fix their compensation; also, to provide by ordinance for the ornamenting and keeping in good order the grounds, graves, walks and improvements, to prescribe such

police regulations relative thereto as they may deem necessary to regulate and control the manner of the interment and removal of the corpse of any deceased person now buried or who shall hereafter be buried in said cemetery; to provide for the investment of so much of the proceeds of the sale of the lots as to them shall be advisable, as a permanent fund, only the interest of which shall be used in carrying out the purposes of this act, and generally to do all other things for the interest of said cemetery and lot-holders as may be proper in the premises; it shall also be their duty to cause the same to be enclosed by a good, substantial, neat enclosure, and at all times to keep such enclosure in good order and repair.

No streets to be laid out.

4. *And be it enacted*, That no public streets or roads shall hereafter be opened through the said cemetery grounds, and that the said cemetery and all burial lots hereafter sold therein, shall be and remain free from taxation and from sale under any civil service.

Lot reserved.

5. *And be it enacted*, That it shall be the duty of the mayor and council of said city to cause to be marked out upon the map aforesaid five acres of the said cemetery, and shall designate the same on said map as "reserved," which portion of said cemetery the mayor and council shall have no power to sell or dispose of, but the same shall be reserved for the free burial of the inhabitants of the said city, under such regulations as shall be required, by ordinance, by the said mayor and council; *provided*, that any member of the immediate family of an inhabitant of said city buried in said cemetery, may be buried therein, although such member may not be at the time of his or her death an inhabitant of said city.

Proviso.

Residue may be sold.

6. *And be it enacted*, That the residue of the said cemetery may be sold and disposed of as aforesaid in accordance with the said map, to be filed as aforesaid in the county clerk's office, only to the inhabitants of

the said City of Hoboken, the price for each lot being fixed and established by the mayor and council of said city, and being paid for in full before the delivery of the deed; *provided however*, that after the purchase of any lot or lots by any inhabitant of said city, such purchaser, or any member of his or her immediate family may be buried in such lot so purchased, although such purchaser or member of his or her immediate family may not be at the time of his or her death an inhabitant of said city; *provided also*, no purchaser shall have power to sell or dispose of any lot or lots to any person other than an inhabitant of said city. Proviso. Proviso.

7. *And be it enacted*, That the mayor and council of said city shall establish a burial ground fund, to the credit of which shall be placed all moneys received by the sale of lots as aforesaid, together with any moneys now in the possession of the said mayor and council belonging to the said cemetery, and all expenses incurred in carrying out the several provisions of this act shall be paid out of the said burial ground fund, and that the same shall not at any time be paid out of any of the other funds of said city; also, that the said mayor and council are hereby expressly prohibited from using any of the moneys belonging to said fund for any city purpose whatsoever. Regulations.

8. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.* Repealed.

Approved February 18, 1862.

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* See Supplement. Approved March 9, 1868.

CHAPTER CXXI.

An act authorizing the mayor and common council of the city of Hoboken to raise money by temporary loan, for the purpose of distributing relief to the families of volunteers engaged in the war service of the United States.

Common Council may borrow money and issue bonds.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the City of Hoboken to borrow any sum of money not exceeding five thousand dollars, and to secure the payment of the same by issuing a bond, conditioned for the payment of the said sum of money, at such time as the said mayor and common council shall direct, with interest thereon at the rate of seven per cent. per annum, payable semi-annually; the payment of which said bond shall be secured by the delivery and execution, by the said mayor and common council, of a mortgage upon four lots each of the dimensions of twenty-five feet by seventy-five feet, of a certain square, situated in the City of Hoboken, and known as Market Square, which is bounded northerly by First street, easterly by Washington street, southerly by Newark street, and westerly by Bloomfield street; and it shall be the duty of the said mayor and council to raise by tax, yearly, such amount as shall be necessary to pay the interest upon the said sum so borrowed, until the principal and interest of the said bond are paid in the manner hereinafter provided for.

Interest to be paid by tax.

Commissioners to lay out market Square into lots and sell the same.

2. *And be it enacted*, That Hoyt Sanford, Hermann Lohmeyer, William W. Shippen, Charles Chamberlain and John M. Francis, be and they are hereby appointed commissioners, whose duty it shall be to lay out the

said Market Square into lots of such dimensions as to them shall seem most advantageous for building purposes; that they shall have power to sell and dispose of said square so laid out into lots as aforesaid, at public auction, whenever they shall deem it advisable so to do, having first advertised such intended sale in each of the newspapers printed and published in Hoboken, for the space of two months next preceding the same; and it shall be lawful for the said commissioners to adjourn such sale from time to time, as to them shall seem most expedient.

Conditions of sale.

3. *And be it enacted*, That it shall be lawful for the said commissioners to impose such conditions of sale upon the purchasers as to them shall seem most expedient and beneficial for the interests of the city; *provided*, that one of the conditions of sale shall require a substantial brick or stone building, not less than three stories high, to be erected upon each lot, within a certain time mentioned in said condition; and before the said commissioners advertise the said square for sale as aforesaid, it shall be their duty to report, in writing, to the mayor and council of said city the manner in which they have laid out the said square into lots, the conditions of sale to be imposed upon the purchaser or purchasers, and the time determined upon by them for said sale to take place; and in case the said report should be rejected, the said commissioners are hereby empowered to amend the same as often as to them shall seem proper, and return it to the said mayor and council for their approval, and no sale of the said square shall be made until the original or amended report of the said commissioners is approved by the said mayor and council; and upon the sale of the said square the mayor and council shall have power to take from the purchasers bonds and mortgages in sums not exceeding seventy per cent. of the purchase money.

Proviso.

Vacancy in board to be filled.

4. *And be it enacted*, That whenever any vacancy shall occur in the said board of commissioners, it shall be the duty of the said commissioners to fill the same by the election of a freeholder and resident of the said city of Hoboken; and the said commissioners shall not be entitled to receive any compensation for the services rendered by them under this act; but all expenses incurred by them shall be paid by the said mayor and council out of the moneys arising from said sale.

Deeds when made to purchasers.

5. *And be it enacted*, That whenever such sale is consummated, and the conditions thereof complied with by the purchaser or purchasers, it shall be the duty of the said mayor and council to convey the said lot or lots to such purchaser or purchasers, in fee, by deed, under the corporate seal of the said city, signed by the mayor and attested by the clerk of said city.

Money from sale, how appropriated.

6. *And be it enacted*, That all moneys received from the sale of any of the said lots shall be immediately placed into the hands of the treasurer of said city, and that the moneys so received shall be first appropriated by the said mayor and council to the payment of the principal and interest of the bond issued by them under the provisions of the first section of this act, and that the residue of the money shall be appropriated by them towards liquidating the indebtedness of the city of Hoboken, existing on the first day of February, in the year of our Lord one thousand eight hundred and sixty-two; and if any surplus remain, it shall not be used for any other purpose than for the payment of the bonds known as the "Hoboken City Water Scrip;"

Proviso:

provided, that the sureties of the treasurer of the said city shall be liable for every default, should any be made by him, in respect to any moneys that may come into his hands by virtue of the provisions of this act;

Proviso.

provided also, that so much of the money as shall be necessary, arising from the sale of the lot whereon the engine house stands, shall be appropriated by the said

mayor and council to the purchase of land and the erection thereon of a new engine house.

Money borrowed, how appropriated.

7. *And be it enacted*, That the sum of money borrowed by the said mayor and council under the provisions of the first section of this act, shall be placed into the hands of the city treasurer, and shall be applied to the support of the families of persons residing in the City of Hoboken, who may volunteer, or who may have volunteered in the military or naval service of the United States, or who may be called into military or naval service by the government of this state or of the United States, for the maintenance and defence of the state or federal government, and for no other purpose whatsoever.

Relief committee.

8. *And be it enacted*, That the mayor of the City of Hoboken, and two councilmen of said city, to be chosen by the said council, Benjamin S. Taylor, Francis Bolting and Louis Huesman are hereby appointed a relief committee, whose duty it shall be to receive the said sum of money from the city treasurer, and apply it in the manner provided in the next preceeding section; and whenever any vacancy shall occur among the members of the committee, who are not councilmen, such vacancy shall be filled by those members, by selecting a resident of the City of Hoboken, who is not at the time of his election a councilman of said city.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1862.

CHAPTER XL.

AN ACT to incorporate the Association of Exempt Firemen, in the city of Hoboken.

Corporate name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore Van Tassel, Thomas Mickens, James Houseman, William G. Shepherd, Andrew Mount, William H. Wilson, Peter Ritter, and such other persons as may become associated with them, be and they are hereby constitued and made a body politic and corporate to be known in fact and law, as the "Association of Exempt Firemen of the city of Hoboken," and by that name they and their successors shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and they and their successors, respectively, may have and use a common seal, and have power to make, alter and renew the same at pleasure; and by their common seal may make, enter into and execute any contract or agreement touching the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed the sum of five thousand dollars.

Proviso.

Object.

2. *And be it enacted*, That the purpose of said association shall be to aid the fire department of Hoboken in the extinguishment of fires; and the members of said association, when on duty, shall be subject to and under the control of the chief and assistant engineers of the fire department of the city of Hoboken, the same as any fire company of said city.

Officers.

3. *And be it enacted*, That the members of said association shall have power, at their annual meeting, to be

held on the second Tuesday of April, to elect, from among their number, a president, vice-president, secretary and treasurer, who shall hold their offices until others are elected in their stead; they shall also have power to elect, at said annual meeting, one trustee of the Hoboken Fire Department Fund, who shall hold his office for three years; and in addition thereto, at the first annual meeting after the passage of this act, may elect two trustees of the Hoboken Fire Department Fund, one of whom shall hold his office for the term of one year, and one for the term of two years; and the said trustees, when elected, shall be entitled to all the rights and privileges that are now granted by law to the members of the board of trustees of the Hoboken Fire Department Fund, and said association shall be entitled to a representation in said board of trustees in the same manner as if the said association were one of the fire companies of the city of Hoboken, anything in the act creating the board of trustees of the Hoboken Fire Department Fund to the contrary notwithstanding.

Trustees of Hoboken Fire Department Fund.

Duties and powers.

4. *And be it enacted*, That the said association shall have power to make and prescribe such by-laws, rules and regulations as to them may seem needful; *provided*, the same shall not be inconsistent with this act, or the constitution of this state.

By-laws.

5. *And be it enacted*, That the property and effects of the said association, held or used for the purpose designed by this act, shall not be subject to the payment of any tax under the laws of the state.

Exempt from taxation.

6. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and General Assembly may, at any time hereafter, amend, repeal or modify this act, as they shall think proper.

7. *And be it enacted*, That all acts and parts of acts

inconsistent with this act, be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

CHAPTER XLI.

AN ACT to confirm the laying out of the westerly part of the city of Hoboken, according to the map of the tract of land belonging to the estate of John G. Coster, deceased, made by Daniel Ewen and Austin D. Ewen, city surveyors, New York, in November, eighteen hundred and sixty, and filed in the office of the clerk of Hudson county, and to close and vacate all roads and parts of roads within the limits of the said tract, so as to conform to the said map.

WHEREAS, the tract of meadow land belonging to the estate of John G. Coster, deceased, and comprising the western part of the city of Hoboken, has been plotted and laid out, with streets and avenues over the same, according to a certain map entitled "map of property situate at Hoboken, Hudson county, New Jersey, belonging to the estate of John G. Coster, deceased, surveyed and laid out into lots, November, eighteen hundred and sixty, by Daniel Ewen, Austin D. Ewen, city surveyors, New York," which is on file in the office of the clerk of the county of Hudson, and such streets and avenues and the arrangement and direction of the same have been made to correspond with the streets and avenues running through and across the eastern portion of the said city—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid plotting and laying out of that portion of the said city of Hoboken, which is comprised within the limits of the said tract of land, be and the same are hereby ratified and confirmed, and that such portion of the said city be laid out with streets and avenues according to the said map. Plotting and laying out, confirmed.

Roads vacated.

2. *And be it enacted*, That all roads or parts of roads running over the said tract of land different from the streets and avenues laid down upon said map, be and the same are hereby vacated and discontinued; *provided however*, that the road now running across the said tract of land to West Hoboken, and known as the "West Hoboken Road," may be used as the same now is until one of the streets contiguous to the same laid down upon the said map shall be actually opened and rendered fit for use; *and provided also*, that when any of the roads or parts of roads now running across said property shall be altered or closed, the streets or avenues opened in place thereof shall be regulated and improved so as to afford equal facilities for the public for passage over the same as such roads or parts of roads may give to the public previous to such vacation; *provided also*, that so much of the avenue known as Newark avenue, and shown upon said map, from the point of contact with the southerly line of Ferry street to the westerly line of said property, and also the road leading from the westerly line of said property to the bridge at or near the foot of Bergen Hill, shall in no event be reduced to less than eighty feet in width.

Proviso.

Regulations.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1863.

CHAPTER XLVI.

A further supplement to the act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Three councilmen in each ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken shall be composed of three councilmen instead of two from each ward of said city, who shall be elected annually, in the same manner and at the same time as is now prescribed for the election of councilmen by the act to which this is a supplement, and shall each hold his office for the term of one year.

Not to receive compensation.

2. *And be it enacted*, That after the first Monday in May next, no councilman shall receive any pay or compensation for any time spent by him in the business of the said city.

Terms of office.

3. *And be it enacted*, That the terms of office of the present councilmen of the said city of Hoboken shall all expire on the first Monday in May next; and that so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed and that this act be deemed a public act, and shall take effect immediately.

Approved February 16, 1863.

CHAPTER CLX.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That the eighth section of the act to which this is a supplement be amended, by striking out after the words "judges of election" the words "together with the members of the board of councilmen whose term of office will not expire until after the next succeeding charter election," and also by striking out the word "than" the word "five," and inserting the word "two."

Act amended.

2. *And be it enacted*, That section thirty-four of the act to which this is a supplement be and hereby is amended by striking out the word "four" and inserting the word "five" instead

Repealed.

3 *And be it enacted*, That so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1863.

CHAPTER LVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, the citizens of Hoboken, desiring that the call of the government for troops to be furnished by said city to aid in suppressing the rebellion, should be filled with volunteers rather than with drafted men, did offer and pay bounties to secure that object, and for the purposes of paying such bounties, did raise the sum of thirty-five thousand dollars upon the faith of certain promissory notes, guaranteed by numerous citizens of said city; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and it is desirable that the same should be gradually paid off; therefore,

City may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the City of Hoboken to provide for the payment of the said indebtedness by issuing bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding thirty-five thousand dollars, in such sums, and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors to sell and assign; *provided*, that no bond shall be sold by Proviso. the said mayor and council for less than par; *provided also*, that the bonds to be issued by virtue of this act

shall be redeemable at a period of time not to exceed twenty years from the passage hereof.

May provide for payment by taxation.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due;

Proviso.

provided, that not less than one thousand dollars, nor more than three thousand dollars of the principal of said bonds shall be made redeemable in any one year;

Proviso.

and provided further, that the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said City of Hoboken, of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said City of Hoboken, now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

Application.

3. *And be it enacted*, That it shall be the duty of the said mayor and council, to apply the net proceeds of the said bonds to the payment and satisfaction of the indebtedness incurred as aforesaid by the payment of volunteers.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1864.

CHAPTER CCXLII.

A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, The citizens of Hoboken are desirous that the late call of the government for troops to aid in suppressing the rebellion should be filled with volunteers rather than with drafted men, and for that purpose it is necessary to provide for the payment of bounties to such as may volunteer to fill the quota of said city; therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the mayor and council of the city of Hoboken, to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding sixty-five thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors to sell and assign: *provided*, that no bond shall be sold by the said mayor and council for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed forty years from the passage hereof.

Proviso.

Proviso.

Payment of interest and principal by taxation. 2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the

bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due;

Proviso. *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and eighty-four, and that not less than four thousand dollars nor more than six thousand dollars of the principal of the said bonds shall be redeemable

Proviso. in any one year after that period; *and provided further*, that, the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said city of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

How appropriated. 3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment of bounties to such as may volunteer to fill the quota of said city and for no other purpose.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1864.

CHAPTER LXXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, eighteen hundred and fifty-five.

May issue bonds.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*. That it shall and may be lawful for the mayor and council of the city of Hoboken to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding fifty thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed twenty years from the passage hereof.*

Proviso.

Payment of principal and interest by.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds, and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several

* Amended. See Supplement. Approved March 29, 1865.

times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and seventy, and that not less than three thousand dollars nor more than five thousand dollars of the principal of the said bonds shall be redeemable in any one year after that period; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll tax of one dollar upon every male inhabitant of the said city of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken, now liable to taxation for city purposes at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll tax.

Proviso.

Proviso.

Proceeds, how applied.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the liquidation of the indebtedness incurred by the said mayor and council, and not heretofore provided for, in the payment of bounties to volunteers, substitutes and drafted men, to fill the quotas of the said city and for no other purpose.

May borrow money.

4. *And be it enacted*, That it shall and may be lawful for the said mayor and council to borrow a sum of money not exceeding one hundred thousand dollars for the purpose of paying such bounties as the said mayor and council may from time to time deem expedient to every volunteer, drafted man or substitute obtained to fill the quota of the city of Hoboken under the present call of the president of the United States, or the quota upon any future call which may be hereafter made by the said president.

To provide for payment of indebtedness by issuing bonds.

5. *And be it enacted*, That it shall and may be lawful for the said mayor and council to secure the payment

of such indebtedness by issuing bonds in the manner and under the same restrictions expressed in the first section of this act, and that they shall also have power and authority to provide by taxation for the payment of the principal of the said bonds, and the interest thereon, in the same manner as is provided for in the second section of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1865.

CHAPTER CCXXXV.

An act to vacate a portion of an alley called Court street, in the city of Hoboken.

Preamble. WHEREAS, upon a certain map of Hoboken, made by Charles Loss, a certain alley, called Court street, was marked and established, and as that portion of said alley lying between Seventh and Eighth streets has never been opened; therefore,

Street vacated. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Court street, as the same is laid out on the map of Hoboken made by Charles Loss, lying between Seventh and Eighth streets, in the city of Hoboken, be and the same is hereby vacated.

Land to revert to owners. 2. *And be it enacted*, That the land of said Court street shall revert to the owners of lots fronting upon said street, from the sides of the street to the centre thereof.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 21, 1865.

CHAPTER CCXXXVI.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Recorder to be elected.

1. BY IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for the said city of Hoboken, a recorder, who shall hold his office for three years, and who shall receive for his pay and compensation eight hundred dollars per annum, payable in equal quarterly payments.

Powers.

2. *And be it enacted*, That the said recorder shall have such powers and authority in the said city of Hoboken, as is now conferred by law upon the recorder in Jersey City.*

Policemen and their duties.

3. *And be it enacted*, That hereafter the council may appoint such number of policemen as they may deem necessary, not exceeding in all twenty-five, and the policemen in said city are hereby authorized and empowered

* See Pamphlet Laws of 1851, Page 398.

"The recorder shall have all powers in criminal matters that justices of the peace in and for the several counties of the State, now have and shall have like powers as are given to the mayor to cause to be arrested and committed, without process, any person guilty, or that he may have reason to believe guilty, of any crime or misdemeanor or breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance."

"*And be it enacted*, That the recorder of said city, in addition to the powers heretofore conferred on him, is hereby empowered to inflict such fines, not exceeding the sum of ten dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, or in his discretion to order such persons committed to the county jail or workhouse for any period not exceeding sixty days."

See Pamphlet Laws of 1864, Page 713.

to serve all process issued by said recorder, and to convey prisoners to the county jail and to serve all criminal process within the limits of the said city, issued by justices of the peace, but such policemen shall not be entitled to receive for such service any additional compensation, other than his regular monthly salary, except the money actually expended in the conveyance of prisoners to the county jail.

Compensation of councilmen.

4. *And be it enacted*, That each of the councilmen hereafter elected in said city, shall receive for his pay and compensation, the sum of two hundred dollars per annum, payable in equal quarterly payments.

Compensation of clerk, &c.

5. *And be it enacted*, That the city clerk, the city treasurer, and the collector of taxes in said city, hereafter elected, shall receive for their pay and compensation the following sums of money per annum; the city clerk, one thousand dollars, the city treasurer and collector of taxes, five hundred dollars each.

Amendment.

6. *And be it enacted*, That section sixteen of the act to which this is a supplement, be amended by striking out the words "justice of the peace," wherever they occur in said section, and inserting the word "recorder" in their stead.

Defendants to enter into recognizance.

7. *And be it enacted*, That upon the return of any writs issued by the said recorder, if the same shall be in the nature of a warrant, and the said recorder shall see fit to adjourn the hearing of the charge made and so orders, then the said defendant or defendants named in the said warrant shall enter into recognizance, as near as may be in the manner directed in courts for the trial of small causes in the amount of the penalty named in the process, with such surety as may be approved by the recorder, unto the mayor and council of the city of Hoboken, for his appearance on the day to which said hearing may be adjourned; and in default of his appearance, the said recognizance may be collected in the same manner as the same might have

been, had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Breach of ordinance.

8. *And be it enacted*, That whenever the mayor and council of said city shall, by resolution, require any person or persons to be prosecuted for the breach of any of the ordinances of the said city it shall be the duty of the said recorder to issue process as in other cases against such person or persons, without any oath, affirmation or affidavit being made that such person or persons has or have been guilty of a violation of such ordinances; *provided*, that such resolution shall specify the name or names of such person or persons, and the ordinances which he or they has or have been guilty of violating.

Proviso.

Justices of the peace.

9. *And be it enacted*, That until the first Monday in May, eighteen hundred and sixty-five, the justices of the peace in said city shall be vested with the same powers they now possess by virtue of the provisions of the act to which this is a supplement.

School trustees.

10. *And be it enacted*, That each of the wards of said city shall, at their annual charter election, elect three trustees of the public schools, in the manner and form that other city officers are elected, and who together shall constitute a board of education, the powers and duties of which board shall be prescribed and defined by general ordinance of the council of said city.

Moneys to be paid to treasurer.

11. *And be it enacted*, That all moneys apportioned to the said city by the state, together with all moneys raised by tax for public schools shall be paid to the treasurer of said city.

School superintendent abolished.

12. *And be it enacted*, That the office of school superintendent shall be abolished from and after the first Monday in May, eighteen hundred and sixty-five.

Street commissioners, &c.

13. *And be it enacted*, That the street commissioner, overseer of the poor, collector of the arrears of taxes, and one assessor for each ward, shall be appointed by the council of said city, and that so much of sections three and four of the act to which this is a supplement

as provides for the election of these officers, be and the same is hereby repealed.

Powers of council.

14. *And be it enacted*, That the council of the City of Hoboken shall have power and authority, and they are hereby authorized to raise by general ordinance such sum or sums of money as may from time to time be assessed upon or charged to any of the public squares, or other public property belonging to the said city or to any part or portion of the same, for the regulating, improving, paving or flagging any street or streets in said city, or for building sewers or drains under any such street or streets, and that such sum or sums of money, when lawfully assessed to such public squares or property, or any part of the same, shall be included in the next general tax ordinance for the raising and collecting the annual taxes for said city: and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised; *provided*, that all such sums of money shall be assessed upon all the real estate in said city, and not on goods and chattels.

Proviso.

May borrow money.

15. *And be it enacted*, That the council shall have power to borrow a sum of money not exceeding two thousand dollars, to enable them to pay the assessment made against the public square on the westerly side of Garden street, between Fourth and Fifth streets, for certain street improvements already completed, until the same can be raised and collected in the manner herein provided.

May appropriate money from contingent fund.

16. *And be it enacted*, That the said council shall have power to appropriate from the contingent fund of said city, a sum of money not exceeding one thousand dollars, for the purpose of paying such compensation as they shall deem just to those members of the council whose time has been employed in discharging any of the duties connected with furnishing men for filling the quotas of said city under the respective calls of the

President of the United States, or with the raising of moneys or means therefor.

Assessments to be made.

17. *And be it enacted*, That the several amounts hereby authorized to be paid, shall be assessed by the assessor of said city in addition to the amounts now authorized by law, and in the same manner as other taxes are now assessed, except those for improvements of streets and building of sewers, which shall be assessed on the real estate only.

Repealed.

18. *And be it enacted*, That this act shall be deemed a public act and take effect immediately, and that so much of the act to which this is a supplement and all other supplements thereto, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 21, 1865.

CHAPTER CCCXLIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the first section of the act entitled "A further supplement to an act, to incorporate the City of Hoboken," approved February twenty-eighth, eighteen hundred and sixty-five, be amended by striking out the word "twenty," where the same occurs, and inserting in lieu thereof the word "forty."

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 29, 1865.

CHAPTER CCXXXVI.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power to construct sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the said city are hereby empowered to build and construct a main sewer through the centre of Third street from the westerly line of Adams street to the Hudson river, subject to all the provisions contained in the said act and its supplements relative to the building of sewers in said city, except that the application of two-thirds of the property facing on the line of said sewer, therefore shall not be required to enable the said council to proceed with the construction thereof, and said council may by ordinance immediately direct the construction and building of said sewer without any petition of the property owners upon said street.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act and take effect immediately.

Approved March 21, 1866.

CHAPTER CCCCLXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one of the act to which this is a supplement be and the same is hereby amended so that the boundaries of said City of Hoboken shall hereafter embrace that part of the County of Hudson embraced within the following boundaries, to wit: beginning at a point on the northerly line of Eighteenth street, as the same is shown on "A map of property situated at Hoboken, Hudson county, New Jersey, belonging to John G. Coster, dated eighteen hundred and sixty," one hundred feet easterly of the easterly line of the Bergen or Hackensack turnpike road, and running thence southerly and parallel with said turnpike, and one hundred feet distant therefrom to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office, thence easterly and parallel with Eighth street, to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerks' office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight, from thence southerly along the easterly line of Hudson street as the same is shown on the map last aforesaid to the north-east corner of Hudson and Seventh streets, thence easterly along the northerly line of Seventh street to the north-easterly corner of River and Seventh streets, thence southerly along the

easterly line of River street to the northerly side of Sixth street, and thence easterly along the northerly line of Sixth street to the Hudson river, and thence in continuation of said last mentioned line if protracted to the centre of Hudson river, thence down the river and along the middle thereof to a point opposite the southerly line of Ninth street, at Jersey City, as laid down on a map of L. F. Douglass, dated eighteen hundred and forty-one, if the said line was protracted to the centre of the river, thence westerly and along the said line to the intersection of the same with a line running one hundred feet westerly from the westerly line of Willow street, in Hoboken, if protracted to said southerly line of Ninth street as shown on L. F. Douglass' map, thence northerly and parallel with Willow street to a line one hundred feet southerly from the southerly line of Ferry street, in Hoboken, thence westerly and parallel with Ferry street to a line one hundred feet southerly from the southerly line of Newark street or turnpike to Newark, as laid down on the map of L. F. Douglass mentioned above, thence westerly and parallel with Newark street to the foot of Bergen hill; thence northerly and along the foot of the Bergen hill, at its intersection with the centre of the Paterson plank road; thence northerly and along the centre of the Paterson plank road, the several courses thereof, till it intersects with the southerly line of Ninth street, in Hoboken, if protracted to the centre of the Paterson plank road; thence easterly and along the southerly line of Ninth street until it intersects with the westerly line of John G. Coster, deceased, as laid down on the map mentioned above; thence northerly along the westerly line of said property, the several courses thereof, till it intersects with the westerly line of the Bergen or Hackensack turnpike road; thence northerly and along the westerly line of said turnpike road till it intersects with the northerly line of Eight-

teenth street, as the same is shown on the map of the property of John G. Coster, before mentioned; thence easterly and along the northerly line of Eighteenth street to a point one hundred feet easterly of the easterly line of Bergen or Hackensack turnpike road, the place of beginning.

Licenses.

2. *And be it enacted*, That sub-division eleventh of section forty of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit: to license and regulate cartmen, hackmen, auctioneers, common criers, hawkers, peddlars, junk-shop dealers, junk dealers, venders, porters, hucksters, city railroad cars, dealers in second hand articles, and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities, and to locate, regulate and remove slaughter houses and petroleum refineries.

Agreement may be made between borrower and lender.

3. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city to enter into any contract or agreement whereby the borrower shall pay all governmental, state, city or township or other taxes which may or might without the passage of this act be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements are hereby made and declared to be valid and effectual in law; and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement, anything in any existing [law] of this state to the contrary in anywise notwithstanding.

Part of original act amended.

4. *And be it enacted*, That section forty-three of the act to which this is a supplement be and the same is hereby amended by striking out therein the words "three mills" and inserting in lieu thereof the words "eight mills."

5. *And be it enacted*, That all taxes for city purposes shall annually hereafter be assessed by the assessors in said city between the second Monday in May and the twentieth day of July, and the commissioners of appeal in cases of taxation in and for said city are hereby required annually hereafter to convene on the first Monday in August, and said commissioners shall have no power after the third Monday in August to reduce or alter the assessment made by the assessors in said city under the act to which this is a supplement. Time for making assessment.

6. *And be it enacted*, That if any assessor or commissioner of appeal in cases of taxation in the city of Hoboken shall neglect or refuse to perform any service or duty at the time and in the manner required by law, he shall for every such neglect or refusal forfeit and pay the sum of one hundred dollars to be recovered with costs, by action of debt, in the name of the mayor and common council of the city of Hoboken and for the use of said city. Penalty for neglect of duties.

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect on the first day of May, one thousand eight hundred and sixty-six.

Approved April 6, 1866.

CHAPTER V.

An act to amend an act entitled "A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eigh een hundred and fifty-five," which supplement was approved April sixth, eighteen hundred and sixty-six.

Part of former supplement amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to an act entitled an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five, approved April sixth, eighteen hundred and sixty-six," be and the same is hereby so amended that the southerly line of the boundaries named in said section shall correspond to the northerly line of Jersey City, as the same was established by an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed; *provided*, that any annual tax which may have been levied by the authorities of the city of Hoboken, upon lands south of the northerly boundary line of Jersey City, as established by its said act of incorporation, shall be paid to the proper authorities of Jersey City.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1867.

CHAPTER CCCX.

A supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, be and it is hereby amended, so that hereafter the council of said city of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city, for the following purposes:

Inspection of weights and measures, &c.

First—To appoint one or more inspectors of lumber and wood; one or more weighers and sealers of weights and measures; one or more gaugers, and whenever a sworn certificate is required in any business or occupation, said council may appoint one or more officers, who shall have power to administer oaths and to give the same; said council shall have power to prescribe the duties of said officers, fix the term of office, their fees and salary, and the mode of their removal from office; but nothing in this section shall be construed as authorizing the council to prohibit any person not appointed by them from exercising any trade or vocation named in this section.

Assessment maps

Second—To cause a general assessment map to be made for said city.

Compensation.

Third—To pay each of the assessors of said city a fair compensation to be based upon the service actually performed in each ward; *provided*, that such compensation shall not exceed four hundred dollars per annum for any one ward; to pay the street commissioner six hundred dollars per annum and the city clerk fifteen hundred dollars per annum.

Proviso.

Erection of city hall.

Fourth—To purchase ground for a city hall, and to

erect a city hall thereon, or to purchase improved property and convert the same by proper alterations to like use; the cost thereof not to exceed fifty thousand dollars in payment thereof the mayor and council of said city may issue bonds bearing interest at the rate of seven per centum per annum, and payable in such instalments and at such times as said council may deem proper; said council may also sell said bonds at not less than par, and use the proceeds thereof to pay for said city hall.

Election to be held.

The said council shall not, however, be authorized to incur any indebtedness for this purpose, unless they first obtain the assent thereto of a majority of the electors of the city of Hoboken, and for this purpose at the next charter election, the electors entitled to vote for the mayor of said city shall express their assent thereto, or their dissent therefrom by depositing their ballot in the ballot box used for said charter election, and those electors who are in favor of said council in curring said indebtedness shall each deposit a ballot containing the words "City Hall," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "No City Hall," written or printed thereon; and a canvass and return of the votes shall be made by the Judges of said charter election to the council of said city; and if a majority of those who vote at such election are found to be in favor of building a city hall, then and not otherwise, said council may incur said indebtedness.

Fire department.

Fifth—To purchase one thousand feet of hose for the fire department at a cost not to exceed eighteen hundred dollars.

May issue bonds for fire department purposes.

Sixth—To issue bonds or city script in payment for the engine house or lot, number ninety-eight, Meadow street, in said city, said bonds or city script not to exceed in amount six thousand dollars; all the proceedings of the mayor and council of said city heretofore

taken in reference to said engine house, is hereby ratified and confirmed and made as valid and effectual in law as if the same had been duly authorized by law before any action whatever had been taken by said mayor and council in reference thereto.

Assessments. Seventh—To pay all assessments that now or may hereafter be made by the commissioners on the Third street sewer, against the public square in said city; *provided*, the same do not exceed the sum of three thousand dollars. Proviso

Sewers. Eighth—To build, construct and continue the Bloomfield street sewer to the southerly line of the city, and to assess the cost of the same on the lands through which said parts of sewers passes; *provided*, that a petition signed by the owners of at least two-thirds of the property along the line of such sewer be first presented to the said mayor and council.

Receiving basin for sewer. Ninth—To build and construct receiving basins to connect with any public or private drain or sewer, whenever they may deem the same necessary or proper; and no petition shall be necessary therefore, and the cost thereof shall be assessed upon and collected from the property benefitted thereby.

Compensation of collector of taxes. Tenth—To allow the collector of assessments to receive one and one-half per centum on the amount of all sales of real estate, when the same is actually sold for non-payment of assessments.

Compensation of collector of arrears of taxes. Eleventh—To allow the collector of arrears of taxes three per centum on the amount of all sales of real estate where the same is actually sold for non-payment of taxes, and to charge the same against the property sold.

Notices of assessments made. 2. *And be it enacted*, That the assessors in the city of Hoboken shall, immediately after they have made their assessments, serve a notice on each party assessed, if living in said city, stating the valuation made of the real and personal property of said party.

Amendment to original act.

3. *And be it enacted*, That section forty-four of the act to which this is a supplement, be and the same is hereby amended, by striking out the following words in said section, namely; "five per centum additional" and inserting in lieu thereof the words "fifteen per centum additional," and notifying said party when the commissioners of appeal in cases of taxation will meet.

Amendment to original act.

4. *And be it enacted*, That the title IV, ninth subdivision of the fortieth section of the act to which this is a supplement, be and is hereby amended by adding the following: "and to raise by bonds or direct taxation, as may be deemed for the best interests of the city the necessary bonds therefor."

Proceedings to be published.

5. *And be it enacted*, That the proceedings of the council and the board of education of said city, and such matters and things as are directed by said charter to be published, shall hereafter be published in two of the newspapers printed and published in said city in which the laws of this state are now directed to be published.

Repealed.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed to be a public act, and take effect immediately.

Approved April 4, 1867.

CHAPTER CCLXX.

An act to refund to the city of Hoboken certain state and county taxes heretofore paid by said city.

Preamble. WHEREAS, the southern boundary line of the city of Hoboken was altered by an act entitled "A further supplement to an act, entitled 'An act to incorporate the city of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty-five, passed April sixth, eighteen hundred and sixty-six, and a portion of the lands formerly in Jersey City was by said act included in the city of Hoboken; and whereas, the territory thus taken from Jersey City has been restored to said city by an act passed during the last legislature; and whereas, the lands thus restored were assessed for state taxes of the year eighteen hundred and sixty-five, one hundred and eighty-six dollars and seventy-five cents, and for county taxes seven hundred and five dollars and fifty cents; and whereas, said tax amounts were severally paid to the state and to the county of Hudson; and whereas, Jersey City has also assessed said lands for the same taxes, and have collected a portion of said taxes and whereas, it is unjust that said taxes should be twice paid, and that the other property of the city of Hoboken should pay these amounts; therefore,

Payment by state treasurer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer pay to the treasurer of the city of Hoboken the sum of one hundred and twenty-two dollars and seventy-five cents, and that the county collector of Hudson county pay to the treasurer of the city of Hoboken the sum of four hundred and fifty-three dollars and fifty cents.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved April 1, 1868.

CHAPTER CCCLXXII.

A FURTHER SUPPLEMENT to "An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble.

WHEREAS, John Stevens, dedicated to public uses in eighteen hundred and four a portion of the tract of land in Hudson county called Hoboken, bounded on the north by Fifth street, on the south by Fourth street, on the East by Garden Street, and on the west by Willow street, and designated said tract of land on a map thereof, then made by him, a Square; and whereas, the fee of said Square is in parties other than the mayor and council of the city of Hoboken, and a building is now illegally maintained thereon; and whereas, it is desirable that said building should be turned into a city hall, and the title in fee simple of said Square vested in the city of Hoboken; therefore,

Mayor and council authorized to obtain absolute little, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, be and they are hereby authorized to purchase or obtain by gift the absolute title in fee of the whole or any portion of said Square, and receive good and sufficient deeds therefor, and to pay the several parties owning the fee of any portion of said Square such sums of money as they may deem proper, the whole of the expenditures for this purpose not, however, to exceed ten thousand dollars.

Building may be converted into a city hall.

2. *And be it enacted*, That when said mayor and council shall have purchased or acquired by gift the fee of the portion of said Square on which the Methodist Episcopal Church now stands, they may convert the said building into a city hall and use it for public pur-

poses, and in making the alterations necessary therefor may expend a sum not exceeding three thousand dollars.

Expense to be raised by tax.

3. *And be it enacted*, That the several sums of money mentioned in the preceding sections of this act may be included in the next general tax ordinance for raising and collecting the annual taxes for said city of Hoboken, and the same shall be assessed, collected and raised as other taxes in said city are assessed, collected and raised.

Act to be submitted to the people of the city and decided by vote.

4. *And be it enacted*, That at the next charter election held in the city of Hoboken this act shall be submitted to the people of said city; and each voter in favor of this act shall express his assent thereto by depositing a ballot, on which there shall be written or printed the words "For City Hall"; and each voter opposed to this act shall express his opposition thereto by depositing a ballot on which shall be written or printed the words "Against City Hall"; the officers conducting said election shall receive and count said ballots, and certify the result to the council of said city; said words whether for or against this act may be written or printed on the general ticket containing the names of the city and ward officers voted for at said election.

Powers not to be exercised until assented to by a majority vote at next charter election.

5. *And be it enacted*, That the powers granted in this act shall not be exercised by the council of said city, unless a majority of those voting at the next charter election in Hoboken express their assent to this act in the mode prescribed in section four of this act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1868.

CHAPTER CCCXLIII.

An act to amend "An act to incorporate the city of Hoboken."

Vacancies in office to be filled by council.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That in case a vacancy shall occur from any cause whatever in any of the elective officers in said city, excepting the mayor and members of the council of said city, it shall be lawful for the council to appoint others to fill said vacancies until a person is elected for said office at the next annual charter election in said city and has been duly qualified and sworn into office.

Acts of recorder confirmed.

2. *And be it enacted*, That the appointment of James Pope as recorder of said city, by the council thereof, to fill the vacancy occasioned by the death of George S. Avery, and all the acts done by him by virtue of his appointment to said office, are hereby confirmed and ratified and made as valid and effectual in law as if said council were expressly authorized by law to make said appointment at the time when the same was made.

Duties of police.

3. *And be it enacted*, That any policeman of said city seeing any person or persons violating any ordinance of said city may at once without summons or warrant, arrest said person or persons, and take him or them before the recorder of said city, who shall thereupon take the oath or affirmation of said officer, and thereafter proceed as if said person or persons had been brought before said recorder by a warrant regularly issued by him for a violation of any ordinance of said city.

Council may pass and repeal ordinances.

4. *And be it enacted*, That the council shall have power to pass, alter and repeal ordinances to take effect within said city for the following purposes: to license all ice carts and wagons used in said city, and

to prevent and punish all persons owning or using the same without a license; to prevent the slaughtering of cattle or animals within the city limits, or the keeping or maintenance of slaughter houses therein, and to close the same and keep the same closed, and to remove any offensive matter or thing in or coming or flowing from any slaughter house in said city, and to sell any property on the premises for the payment of any expense incurred or fine imposed by the violation of any ordinance in reference to slaughter houses.

Amendment.

5. *And be it enacted*, That section forty-three of the act to which this is an amendment, be and the same is hereby amended by inserting after the words "for contingent expenses," the following words: "for rents of armories for ununiformed militia companies in said city, one thousand dollars."

Streets to be cleaned under direction of street commissioner.

6. *And be it enacted*, That the council of said city shall have power on and after the first day of May, eighteen hundred and sixty-eight, whenever they deem it for the best interests of the city, to purchase or hire the necessary workmen and horses and carts and implements necessary for removing the ashes and garbage and street dirt in said city, and keeping the streets of said city clean at all times, the said workmen and horses and carts and implements, shall be under the direction of the street commissioner, who shall be subject to the control of the committee on streets of said council, the council may at any time sell or dispose of said ashes and garbage and street dirt, and said horses and carts and implements as they may think proper.

Repealed.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Approved April 6, 1868.

CHAPTER CLIII.

An act to create a Fourth Ward in the city of Hoboken.

Limits of the fourth ward.

1. BE IT ENACTED *by the Senate and General Assembly, of the State of New Jersey*, That a Fourth Ward be and the same is hereby created and erected in the city of Hoboken, to be composed of all that part of the First Ward in said city, lying west of the centre line of Willow street in said city.

Rights and privileges.

2. *And be it enacted*, That the said Fourth Ward shall be entitled to the same representation in the council of said city, and to all the other rights and privileges of the other wards in said city.

3. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 16, 1869.

CHAPTER CCCIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power to raise money by tax for various purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the following purposes: first, to raise by tax, a sum of money not exceeding ten thousand dollars, for the purpose of altering, repairing and fitting up any building in the city of Hoboken, which the said mayor and council may rent or procure in said city for a city hall; second, to raise by tax, a sum of money not exceeding fifteen thousand dollars to purchase lands on the Coster estate in the city of Hoboken, and to erect a public school-house thereon; third, to raise by tax, a sum of money not exceeding six thousand dollars, to purchase land in the city of Hoboken and erect a building thereon for the use of Engine Company Number Three; fourth, to raise by tax, a sum of money not exceeding ten thousand dollars to purchase land and erect a building thereon for the use of the association of Exempt Firemen of the Hoboken fire department; fifth, to raise by tax, a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them.

May issue bonds to raise money for improving public squares.

2. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of the said mayor for an amount of money not exceeding the said sum of forty thousand dollars, in such

sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided, also*, that the bonds to be issued by virtue of this act shall be redeemable at a period not to exceed twenty years from the passage thereof.

Proviso.

Proviso.

May provide for payment by taxation.

3. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order or cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it [shall] become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Proviso.

Proceeds of bonds, how applied.

4. *And be it enacted*, That it shall be the duty of the mayor and council to apply the net proceeds of the said bonds to the purpose of improving rnd fencing the said public squares.

Certified ordinances received in evidence.

5. *And be it enacted*, That in all prosecutions, suits and actions which may be brought or instituted against any person or persons for violation of any ordinance or ordinances of the mayor and council of the city of Hoboken, heretofore passed or which may hereafter be passed, a copy of such ordinance or ordinances with a certificate thereto annexed, under the corporate seal of

said city, attested by the city clerk that the same is or are a true copy or copies of the original or originals, shall be read and received in evidence by the court in which such prosecution, suit or action is pending, as proof of the existence of such ordinance or ordinances, and that no further proof or evidence of publication of such ordinance or ordinances, nor of the corporate seal of said city, nor the signature of the city clerk shall be required for the purposes of such prosecution, suit or action; *provided*, that if the said ordinance or ordinances have not been published as required by law, that fact may be shown in evidence by the defendant or defendants in bar to the action.

Proviso.

6. *And be it enacted*, That the recorder, the street commissioner and the collector of taxes in said city, hereafter shall receive for their pay and compensation the following sums of money per annum; the recorder one thousand dollars, the street commissioner one thousand dollars, the collector of taxes eight hundred dollars.

Compensation of officers.

7. *And be it enacted*, That the collector of the said city of Hoboken, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of delinquents, with the sums due from them respectively annexed and deliver the same to the clerk of the said city on the fifteenth day of January in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the council at a meeting thereof, held next after the same shall be delivered to him, and it shall be the duty of the said council to deliver the same to the collector of arrears of taxes on or before the first day of February next following, who shall proceed thereon as now required by law.

Proceedings in repairing sidewalks and resetting curbs.

8. *And be it enacted*, That in all cases where the council or their committee on streets shall direct the

street commissioner to repair or put in proper grade the sidewalks, or to reset the curb or gutters in any portion of any street, the street commissioner shall proceed to do such work and shall make a correct statement in writing of the costs and expenses thereof incurred for each lot in front of which such work is done, and shall file such statement in the city clerk's office, whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city of Hoboken, for at least ten days, a notice of the filing of said statement, and that the council will meet at a certain time and place to be specified in said notice to consider all objections to the charges in said statement made, which may be presented in writing, and if the council shall approve said statement, the charges against each lot for such work therein mentioned shall constitute a lien on the property in front of which such work has been done, and that such liens may be enforced and collected in the same manner as assessments are collected under and by virtue of the act to which this is a supplement.

Ordinances to be published in pamphlet form.

9. *And be it enacted*, That it shall be the duty of the mayor and council of the city of Hoboken to cause the laws and ordinances of said city to be published in book or pamphlet form for the use of the officers of said city.

Pay for the same by tax.

10. *And be it enacted*, That the said council shall have power to raise by tax and appropriate a sufficient sum of money to defray the expenses of causing said laws and ordinances to be published as aforesaid.

Consent of a majority of voters necessary to the expense of "exempt engine house."

11. *And be it enacted*, That the power to raise by tax the sum of ten thousand dollars to purchase land and erect a building thereon for the use of the association of exempt firemen of the Hoboken fire department, shall not be exercised by the said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said

city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Exempt Engine House," and those opposed thereto shall deposit a ballot having thereon the words, "Against Exempt Engine House," and said words shall be upon the general city ticket, voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

Consent of a majority of voters necessary to the expense of "improving public squares."

12. *And be it enacted*, That the power to raise by tax a sum or sums of money not exceeding forty thousand dollars in the whole, to improve and fence the public squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of the city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto, and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For Park Improvements," and those opposed thereto shall deposit a ballot having thereon the words, "Against Park Improvements," and said words shall be upon the general city ticket voted for at said election, and said votes shall be canvassed and a return thereof made to the city board of canvassers.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 30, 1869.

CHAPTER CCCLV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Treasurer may make transfers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for the treasurer of the city of Hoboken, by authority of the council of said city, to transfer to any person or persons who will pay the amount due thereon, any unredeemed and uncancelled declaration of sale heretofore issued to said treasurer or that may be hereafter issued to him for any lands, tenements or real estate, lawfully purchased by said treasurer for the benefit of said city, at any sale for unpaid taxes, assessments, water rents or other charges for which the corporation of said city are or may be authorized to sell such lands, tenements or real estate.

Certificate of transfer, how executed.

2. *And be it enacted,* That a certificate of such transfer, signed by said treasurer, endorsed upon or annexed to such declaration of sale and attested by the city clerk under his hand, shall, together with such declaration of sale, be delivered to the transferee at the time of such transfer, and, thereupon, the person or persons to whom such transfer and delivery are made shall in all respects be entitled to the same rights, powers and privileges, under said declaration of sale, as if the same had been originally lawfully issued to any person other than the treasurer of said city, and by such person duly and legally assigned and set over to such transferee; and such certificate of said treasurer, attested as above stated, shall operate as and be an assignment and conveyance of the said declaration of sale, and the rights and interests thereby conveyed

to said treasurer as fully and to the same extent as if said declaration of sale had been originally issued to any other person, having power to assign and convey his own interest therein, and had thereupon been assigned and conveyed to said transferee.

3. *And be it enacted*, That it shall be the duty of the city clerk, at the time of attesting said certificate, to record the same or an abstract thereof in the margin of the record of the declaration of sale by said certificate transferred or assigned, and the said attestation and record of said certificate by the city clerk shall be deemed and taken as conclusive evidence of the consent and authority of the council to such transfer being made. Certificate of transfer to be recorded.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1869.

CHAPTER CVI.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble.

WHEREAS, Willow street, from Newark avenue to the Hackensack plank road, in the city of Hoboken, is undergoing improvement under and by virtue of an ordinance of the mayor and council of the city of Hoboken, passed for that purpose, and approved April fifteenth, eighteen hundred and sixty-nine; and, whereas, said improvement was divided into sections and separate contracts on each of said sections were awarded to several different contractors for making said improvements; and, whereas, the said improvements on some of the said sections are now completed and finished, while other sections of said improvements will not be completed for a long time to come; and, whereas, it is desirable that the lands the lands benefited by the said improvements along the said sections already completed, should be assessed for such benefits received and the money collected therefor for the purpose of paying the contractors for doing said work on said sections now completed; therefore,

Expenses how ascertained and assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses of each of the sections of said improvement now completed shall be ascertained and assessed by three impartial commissioners not interested therein, who shall be appointed by said council from the freeholders resident in the city as soon as may be after the passage of this act, which commissioners shall examine into the whole matter and shall determine and report in writing to the

council what real estate ought to be assessed for such section of said improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon the said clerk shall cause to be inserted in the newspapers, as now required by law, for at least ten days, notice of the filing of said report, and that the council will meet at a time and place to be specified in said notice to consider said assessment and receive and consider all objections thereto which may be presented in writing; at said day named in said notice, or at any time thereafter, the council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council; and said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the council may thereafter, without any notice to any person, confirm said assessment or assessments, and upon said confirmation said assessment or assessments shall constitute a lien on the property assessed for the amount of such assessment or assessments, and shall be collected as assessments for improvements have been heretofore collected in said city.

Commissioners of assessment.

2. *And be it enacted*, That on each of the remaining sections of said Willow street improvement, commissioners of assessment may be appointed at any time after the passage of this act, which commissioners and the said council, shall proceed in all things to make and confirm assessments thereon as directed in the preceding section of this act.

Council may appoint surveyors to assist commissioners.

3. *And be it enacted*, That the council may, whenever they deem it advisable, appoint one or more city sur-

veyor or city surveyors to assist commissioners of assessments, appointed by said council in making measurements and estimating quantities to enable the said commissioners to arrive at a just conclusion in the matters submitted to them, and that the fees and expenses of such surveyor or surveyors shall be added to the costs of such improvement or section of an improvement, and assessed upon the property benefited by such improvement or section thereof.

Sections of street improvements assessed, &c.

4. *And be it enacted*, That hereafter, whenever any street improvement in said city is contracted for by sections, commissioners of assessments may be appointed by said council on each section, and the costs of each section may be assessed upon the property benefited thereby, in proportion to the benefit received, as soon as such section is completed, notwithstanding the entire improvement may not be completed.

Assessments declared legal.

5. *And be it enacted*, That all assessments made by sections for any improvement in said city, which heretofore have been or hereafter may be confirmed by said council, shall not for that reason be considered invalid or illegal, but shall be legal, valid and binding to all intents and purposes.

Confirmation of assessments, &c.

6. *And be it enacted*, That in any case after the commissioners of assessments have filed their report and assessment map and notice thereof, and of the time and place when and where the council will meet to hear objections thereto as now required by law, at said day appointed for hearing the objections thereto, or at any time afterwards, the said council may confirm said assessment, or if they refuse to confirm the same they may return the same to said commissioners for correction in any particulars named by said council, and the said commissioners shall amend said report and map in the particulars named and report again to the council, and if said report and map be amended as directed, the

council may thereafter, without any notice to any person, confirm said assessments.

Time of appointing commissioners.

7. *And be it enacted*, That the council may appoint commissioners of assessments on any improvement, or any section of an improvement, immediately after the contract therefor is awarded; *provided*, said commissioners shall not make their assessments or report to the council until the improvement or section thereof on which they are appointed is completed.

Proviso

Poll tax declared unlawful.

8. *And be it enacted*, That hereafter it shall not be lawful for the mayor and council of the city of Hoboken to cause to be assessed any poll tax upon the inhabitants of said city of Hoboken, to raise money to pay the principal or interest on any volunteer bounty bonds issued by said "The Mayor and Council of the city of Hoboken;" and that the mayor and council shall cause the real and personal estate in said city of Hoboken to be assessed at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised for such purposes.

Salary of corporation attorney.

9. *And be it enacted*, That the ordinance of the mayor and council of the city of Hoboken, fixing the salary of the corporation attorney of the city of Hoboken, passed June twenty-ninth and approved June thirtieth, eighteen hundred and sixty-nine, shall take effect from the said thirtieth day of June, and that the said corporation attorney shall be entitled to receive the salary in said ordinance mentioned, from the said thirtieth day of June last past until the end of his official term.

Repealed.

10. *And be it enacted*, That all acts and parts of acts inconsitent with this act, be and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1870.

CHAPTER CXLIV.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Rate of interest of certificates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all improvement certificates hereafter issued by the said city of Hoboken shall draw interest at the rate of seven per centum per annum from the date of their issue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1870.

CHAPTER CCCCLXXXIV.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Police commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and duties connected with and incident to the police government and discipline of the city of Hoboken shall be as hereinafter specially provided, vested in and exercised by a board of police commissioners, officers of police, and such number of policemen as the said police commissioners may appoint, not exceeding the number of thirty-five.

Term of service to be determined by lot.

2. *And be it enacted*, That the said board of police commissioners shall consist of the mayor of said city of Hoboken, for the time being, August Bente, William H. Child, William P. Judge and John E. McWhorter; which said persons, other than the mayor, shall at their first meeting determine by lot which one of their number shall serve until the first Monday in May, eighteen hundred and seventy-one, which one for one year thereafter, which one for two years thereafter, and which one for three years thereafter, and the mayor of the said city, by and with the advice and consent of the common council shall thereafter fill all vacancies for any unexpired term, and appoint a member for a full term of four years within one month of the expiration of any member's term of office, and at the expiration of each term the full term succeeding shall be for four years, and the said commissioners shall receive no pay or compensation for their services.

Commissioners to take oath.

3. *And be it enacted*, That on or before the first Monday in May, eighteen hundred and seventy, each of the

said members of the said board, other than the mayor, shall take an oath, to be administered by the city clerk of the said city of Hoboken, to faithfully and impartially discharge and perform all the duties of such member of said board, which said affidavits shall be filed in the office of the said city clerk, upon the filing of which the said member or members shall be fully qualified to enter upon the duties of the said office, and the said board shall enter upon and discharge the duties of said board as vested by this act on and after the said first Monday of May, eighteen hundred and seventy.

General powers.

4. *And be it enacted*, That the said board of police commissioners shall have power to make such rules and regulations as to them may seem proper for the government of their own body, and for the government, direction and order of the police department of the said city of Hoboken.

Chief of police.

5. *And be it enacted*, That the said board of police commissioners shall hold meetings at least twice in every month, and shall promulgate all orders through the chief of police, who shall be appointed by the said board, and who shall be the executive head of the whole police force of the city, subject to the rules and regulations of the board.

Commissioners to aid the mayor, &c.

6. *And be it enacted* That the said board of police commissioners shall at all times aid and assist the mayor and city council of the city of Hoboken in the execution of all laws and ordinances in force in said city.

Police not discharged for political reasons.

7. *And be it enacted*, That the present police organization of the city of Hoboken shall continue until altered by the board of police commissioners in accordance with the provisions of this act; that the officers and members of the police force shall hold their offices during good behavior, and no person shall be removed from said force for political reasons, or on any grounds save incapacity, non-residence or disobedience of the

rules and regulations of the department; the members of the force shall receive such compensation as shall be fixed by the said commissioners, and which shall not be diminished within one year after the same shall be determined upon.

Record of proceedings to be kept

8. *And be it enacted*, That the commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, which shall be taken and deemed as a public record, and they shall annually on or before the first day of May, submit a full report of their transactions, together with a financial statement to the common council of Hoboken, which report shall by them be ordered to be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

Payment of salaries.

9. *And be it enacted*, That in paying salaries a pay roll shall be made out by said board of police commissioners, and submitted to the common council, who shall order a warrant drawn on the city treasurer therefor, to the order of the president of said board of police commissioners, whose duty it shall be to pay the men according to said pay roll, and no moneys shall be drawn from the city treasury for the board of police commissioners, except by warrant ordered by the common council, in pursuance of a requisition by said board of police commissioners.

Police to have constabulary powers.

10. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriffs and constables of the state, except to serve civil process; they shall also have all the powers conferred on the policemen of the city of Hoboken by the act to which this is a supplement; they shall also be exempt from duty as jurymen, and from military service, during the time they shall remain members of said force.

Commissioners may make arrests.

11. *And be it enacted*, That each of said police com-

missioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence, and in every such case of arrest the person arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Mayor to be ex-officio, a member of the board.

12. *And be it enacted*, That the mayor of the city of Hoboken, for the time being, shall always be ex-officio a member of the said board, and shall be presiding officer of the said board; and the city clerk of the said city shall be clerk of the said board; and the city physician shall be police surgeon of said city; and that said clerk and police surgeon to receive no extra pay or compensation for their services by virtue of this act.

Quorum.

13. *And be it enacted*, That a majority of all the members of the board shall constitute a quorum for the transaction of business, and no policeman shall be appointed or dismissed from the police force of the said city unless by the vote of the majority of the said board.

Collection of unpaid assessments.

14. *And be it enacted*, That the council of the city of Hoboken shall proceed to settle up the business and affairs of the commissioners appointed under "An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken," approved April fourteenth, eighteen hundred and sixty-six, and the various supplements thereto, and for that purpose shall be vested with all the rights and powers of the commissioners appointed under said act and its various supplements; and they shall receive and collect all unpaid assessments on property assessed by said commissioners; and the mayor and council of Hoboken may sue any of said commissioners and recover from them any sums of money illegally taken by them for fees or compensation for their services as commissioners; and the said council from the money received from the payments of assessments and otherwise

shall pay all the outstanding unpaid improvement certificates issued by said commissioners for work done by contractors, and also interest thereon from the date of said certificates at the rate of seven per centum per annum, and to pay such other legal indebtedness as may have been incurred by said commissioners; and said council shall have power to cancel all liens and assessments upon property imposed by said commissioners upon payment to said council or the city clerk of the said assessments on the said property.

Tax to be raised for special purposes.

15. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to raise by tax upon all the real and personal property in the city of Hoboken a sum of money not exceeding twenty thousand dollars, to pay the claim of Charles Devlin against the city of Hoboken, for construction of main sewer in Third street in said city, and said sum shall be inserted in the general tax ordinance of said city for the year eighteen hundred and seventy.

Repealed.

16. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1870.

CHAPTER DXXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Election of city assessor and collector.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter, and until otherwise provided by law, there shall be elected in and for said city of Hoboken one city assessor and one collector of revenue, who shall be residents of said city, and who shall be elected at the same time, and in the same manner, and for the same term as the mayor and city clerk are elected.

Power and duties of assessor.

2. *And be it enacted*, That the city assessor elected under the provisions of this act shall be liable to the same penalties and shall have the same powers and shall perform the same duties as heretofore have been had and performed by the ward assessors in said city, and in addition thereto he shall have power to appoint and remove at pleasure as many assistant assessors as he may deem necessary; *provided, nevertheless*, he shall pay such assistants by him appointed out of his own funds, and they shall have no claim against the said city for any compensation whatever; *and provided, also*, that the said city assessor shall be responsible to the mayor and council of the city of Hoboken for the negligence or misdemeanor in office of all or any of his said assistants.

Proviso.

Proviso.

Oath of assessor.

3. *And be it enacted*, That the city assessor shall, before entering upon the duties of his office, take and subscribe an oath or affirmation in the following form, to wit: I, ———, do solemnly and sincerely promise and swear (or affirm) that I will truly, faithfully, honestly and impartially, value and assess the ratable estate in

the city of Hoboken, in the county of Hudson, and that in making such valuations and assessments I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same, and I will make a true return of all such assessments to the county board of assessors, at their meeting by law required to be held.

Vote in county board.

4. *And be it enacted*, That in the county board of assessors at any meeting thereof, the assessors of the city of Hoboken shall, in determining any question, have one vote for each and every ward in the city of Hoboken.

Compensation.

5. *And be it enacted*, That the city assessor shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act.

Powers and duties of collector.

6. *And be it enacted*, That the collector of revenue of the city of Hoboken, elected under and by virtue of the provisions of this act, shall be liable to the same penalties, shall have all the powers, and shall do and perform all the duties heretofore had, done and performed by the collector of taxes, the collector of arrears of taxes, and the collector of assessments in the city of Hoboken; and that all ordinances of "The Mayor and Council of the City of Hoboken," now in force, prescribing the duties or regulating the conduct of the said collector of taxes, collector of arrears of taxes, and collector of assessments, shall apply to and be binding upon the said collector of revenue until the same be altered or repealed.

Collector to make monthly reports.

7. *And be it enacted*, That in addition to his other duties it shall be the duty of the collector of revenue to countersign all warrants for the payment of money issued by the mayor and council of the city of Hoboken, and to keep an account in a book to be provided for that purpose, wherein each warrant shall be charged

to the particular fund upon which it is drawn, and on the first Monday of every month he shall send to the council a report in writing, showing the amount of appropriation and the amount of actual cash in the hands of the city treasurer belonging to each particular fund, and also the total amounts of warrants that have been drawn on each particular fund, and also the balance of each particular fund remaining unappropriated.

Collector to give bonds.

8. *And be it enacted*, That the collector of revenue shall, before he enters upon the duties of his office, give bonds to the city in its corporate name, in such sum and with such freehold security as the mayor and council may approve, conditioned for the true and faithful performance of the duties of said office.

Compensation.

9. *And be it enacted*, That the collector of revenue shall be entitled to have and receive a salary of two thousand five hundred dollars per annum, payable quarterly, and no more, for the services required of him under and by virtue of this act; except that he shall also receive an allowance of five per centum upon all arrears of poll taxes and taxes on personal property collected by him after the twentieth of December in each year.

Vacancy, how filled.

10. *And be it enacted*, That should there be at any time a vacancy in the office of assessor or collector of revenue, from disability or otherwise, the mayor shall have power to fill the vacancy until the next ensuing election; *provided*, that any person so appointed shall give bonds, and shall be subject to the same regulations and ordinances as would have applied to the person elected under this act.

Proviso.

Compensation of city physician.

11. *And be it enacted*, That the city physician shall be ex-officio the health warden of said city, and shall be entitled to receive a salary of one thousand dollars per annum, payable quarterly, which sum shall cover his compensation as city physician and health warden, and shall include the cost of furnishing all medicines

necessary for the use of poor patients; and he shall also be subject to such rules and regulations as the mayor and council may by ordinance prescribe.

May raise money and issue special improvement bonds.

12. *And be it enacted*, That for the purpose of improving, filling up, grading or widening streets, or making brick sewers in said city, on the application of a majority of the lots on the line of such improvement at any time after such improvements are, in accordance with law, directed to be made, the council shall have power to raise money for the purpose of paying for such improvement or improvements, and secure the payment of the same, with legal interest thereon, by issuing special bonds, to be signed by the mayor and sealed with the corporate seal of said city, attested by the city clerk; which improvement bond shall be made payable at a period of time not less than three nor more than ten years from the date of their issue, which said bonds shall not carry the general credit of the said city, but shall be secured by a lien hereby created on the property to be assessed for any such improvement and on such property only.

Money borrowed not to exceed two-thirds of cost of improvement.

13. *And be it enacted*, That in raising money, as provided for in the preceding section of this act, the amount borrowed for any particular improvement shall not exceed two-thirds of the entire cost of such improvement when completed, and the assessments made for such improvement or improvements shall be paid by instalments, at such times and in such manner as the council shall, by resolution, direct; and such assessment or assessments shall remain a lien upon the lot or lots assessed, until the same is fully paid and satisfied: and that for the non-payment of any instalment, or for the non-payment of interest thereon at the time or times designated for such payment, any lot or lots may be sold in the same manner that lots are sold for the non-payment of an entire assessment.

Assessment to remain a lien.

Lots may be sold for non-payment of assessments.

Bonds, when to be issued.

14. *And be it enacted*, That the council shall not issue

bonds to raise money, as above provided, for special improvements unless petitioned so to do by the owners of the lots, who are to bear two-thirds of the expenses of such improvement; and the owner of any lot assessed, in case bonds have been issued to pay for such improvement, may pay the said assessment, or any part thereof, before the same becomes due; *provided*, the instalments so paid shall not be less than fifty dollars, except the last payment, which shall be the balance remaining unpaid; and when the assessment on any lot or lots is fully paid, such lot or lots shall be immediately relieved from all lien or encumbrance of the said assessment.

Proviso.

Assessments for improvements to bear interest.

15. *And be it enacted*, That the bonds to be issued to raise money for improvements as aforesaid, shall be sold by said city at a rate not less than ninety per centum of their par value, and the assessments for such improvements shall bear interest from thirty days after the confirmation thereof until paid, at the rate of eight per centum per annum for the first year, nine per centum per annum for the second year, ten per centum per annum for the third year, eleven per centum per annum for the fourth year, twelve per centum per annum for the fifth year, and fifteen per centum per annum for each succeding year.

Improvements in certain streets to be included in this act.

16. *And be it enacted*, That the improvements in Second, Thirteenth and Ferry streets, and in such other streets as are now in process of improvement, shall be included in the provisions of the four preceding sections of this act.

Appointment and term of office of board of commissioners of assessments.

17. *And be it enacted*, That hereafter the mayor shall nominate and the council shall confirm a board of commissioners of assessments, which board shall consist of three commissioners, who shall be residents and freeholders of said city, who shall each take and subscribe an oath, honestly, faithfully and impartially, to discharge the duties of said office of commissioner of assessments, and who shall hold their office for one, two

and three years from the first Monday of May next; and the mayor shall, at the time of making such nominations, designate which shall hold office for the long, and which for the short term; and that whenever a vacancy in office shall occur by expiration of the term of office, or otherwise, such vacancy shall be filled by nomination by the mayor and confirmation by the council as aforesaid; *provided*, that every person appointed to fill a vacancy occurring otherwise than by expiration of term of office, shall hold office for the unexpired term only, and persons appointed to fill a vacancy occurring by expiration of term of office, shall hold office for three years thereafter; *and provided also*, that in case any one or more of the said board of commissioners shall be interested in any assessment, then the mayor and council shall, in such case, appoint some disinterested and impartial freeholder or freeholders, residing in said city, to serve with such board on such assessment in lieu of the commissioner or commissioners so interested; and that the compensation of said commissioners shall be determined by ordinance of the said council; which board of commissioners of assessments shall make all assessments hereafter to be made for improvements in said city in the manner directed in the act to which this is a supplement, and the several supplements thereto, except where commissioners of assessments for any improvements have already been appointed; and also excepting cases where an assessment is or shall be set aside by the judgment or order of the supreme court, in which case said court shall appoint commissioners to make a new assessment, as heretofore.

Vacancy, how filled.

Proviso.

Proviso.

18. *And be it enacted*, That at the next charter election, and on each succeeding charter election, two persons shall be elected as tax commissioners in each ward of said city, who shall be freeholders and electors of the ward in which they are elected; and no ballot

Election and term of office of tax commissioners.

shall contain more than one name for the office of tax commissioner; and in case any ballot should contain more than one name for said office, the first name only shall be counted; and the tax commissioners so elected in the various wards shall meet on the second Monday of May, of each year, at a place to be designated by the council, and shall constitute the board of tax commissioners; they shall elect or appoint a chairman and secretary from their own numbers, and they, or a majority of their whole number, shall fix the amounts of money to be raised by taxation for the current year, for the following purposes, to wit: for the support of the fire department, the police, public schools, water department, repairing and cleaning streets, improving public grounds, lighting the streets and public buildings, erecting and keeping in repair such public buildings as may be needed for city purposes, militia, salaries of city officers, supporting the poor and for such other purposes as may be necessary to carry on the city government; which sums so ordered to be raised by taxation shall be certified in writing, attested by the chairman and secretary of said board, and filed in the city clerk's office on or before the first of June next following the charter election, and the tax ordinance shall contain the amounts in said certificate specified and directed to be raised.

Power to fix amount of money to be raised for certain purposes.

19. *And be it enacted*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect in said city for the following purposes: to provide for the removal of the surface water upon all lots in said city lying south of Eighth street and west of a line drawn one hundred feet west of the westerly line of Willow street, and for imposing an annual tax upon such lots at a rate not exceeding five dollars for each lot of twenty-five hundred square feet for the purpose of paying the expense thereof; which tax shall be levied and collected at the

Mayor and council to pass ordinances.

same time and in the same manner, and under the same regulations as other taxes on real estate in said city, to declare certain limits within which any sunken lot or lots covered with stagnant water shall be deemed a nuisance; and in case any lot or lots within the limits so declared by ordinance are not filled in to the actual grade of the street in front thereof, by the owner or owners thereof, within thirty days aftsr the service of a copy of said ordinance on him, her or them, which notice shall he served personally on such owner or owners, if resident in said city, and if not resident in said city, by mailing a copy of said notice, directed to such owner or owners, at the post office nearest his, her or their abode, if the same can be ascertained, and in case the same cannot be ascertained, by fixing up a copy of said notice on such lot or lots; that then it shall be lawful for the mayor and council, by resolution, to direct the street commissioner to cause all such lots to be filled in to the grade with sound and wholesome material, who shall keep an accurate account of the cost and expense of filling each lot so filled in, and shall file a certified statement thereof, verified by oath or affirmation, in the city clerk's office, which shall be recorded by the city clerk in a book to be provided for that purpose, and the cost and expense of filling each lot shall constitute and remain a lien thereon from the time of filing said statement until the same is fully paid and satisfied; and in case the same is not paid within one year from the time of filing said statement, such lot or lots may be sold for the shortest time that any person will take the same and pay for said filling, in the same manner as lands are or may be sold for the non-payment of assessment; *provided*, that the owner or owners thereof may redeem the same at any term within two years, by paying the costs and expense of said filling, the costs of sale, and interest on the whole amount at the rate of fifteen per centum per annum. Proviso.

Specifications for improving streets or constructing sewers to be published with notice.

20. *And be it enacted*, That the mayor and council shall hereafter, in advertising for proposals for the improvement of any street, or the construction of any sewer in said city, annex to said notice for proposals, and publish therewith, a full, true and correct copy of the specifications for such improvement.

Amendment.

21. *And be it enacted*, That section five of the "Supplement to an act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five, which supplement was approved April fourth, one thousand eight hundred and sixty-seven, be amended by adding at the end of the said section the following words: "*provided*, that such proceedings and such other matters and things as are required by the charter, or any supplement thereto, to be published, shall be published daily in one of the said newspapers."

Proviso.

Repealed.

22. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved April 6, 1871.

CHAPTER DLXXI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power of council to raise money for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power and they are hereby authorized to raise by general taxation, a sum of money not exceeding six thousand dollars, for the purpose of purchasing lands and erecting a suitable brick building thereon, in that part of the city of Hoboken, known as the "Coster estate," for the use of hook and ladder company number two, of said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

CHAPTER CCCCLXXXIV.

An act to authorize the mayor and council of the city of Hoboken to borrow money for the payment of existing debts and liabilities, and to issue bonds for the same.

Authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds under the corporate seal of said city, and the signature of the said mayor for an amount of money not exceeding three hundred thousand dollars, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign and for any vendee or assignee to purchase and hold: *provided*, that said bonds shall not be sold by said mayor and council for less than ninety-seven and a half per centum of the par value thereof; and that the mayor and council shall give at least twenty days notice by advertisement in at least three newspapers, to be designated by the council of the time and place at which sealed proposals for the purchase of such bonds will be received; and that said bonds shall be sold to the highest bidder or bidders.

Proviso.

Bonds to show what fund or indebtedness applied to.

2. *And be it enacted*, That each of said bonds issued under and by virtue of this act, shall show upon the face thereof what particular fund or indebtedness the money raised or borrowed thereon is to be applied to.

Proceeds, how applied.

3. *And be it enacted*, That it shall be the duty of the

said mayor and council to apply the net proceeds of the said bonds to the payment of such indebtedness as now exists, and can not be lawfully paid by the proceeds of any bonds now authorized by law.

Payment and interest of bonds to be provided for by taxation.

4. *And be it enacted*, That the said mayor and council shall have power, by ordinances, to provide by taxation for the payment of said bonds and the interest thereon, as the same shall become due.

5. *And be it enacted*, That this shall be deemed a public act, and shall take effect immediately.

Approved April 3, 1872.

CHAPTER CCCCLXXXII.

A further supplement to "An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Salaries of mayor, recorder and councilmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter and until otherwise provided for by law, the salary of the mayor of the city of Hoboken shall be one thousand dollars per annum; that the salary of the recorder of the said city shall be fifteen hundred dollars per annum, and that each of the councilmen of the said city shall hereafter receive a compensation of four hundred dollars per annum, all of said salaries to be payable in equal quarterly payments.

Term of office of collector of revenue.

2. *And be it enacted*, That hereafter and until otherwise provided for by law, the term of office of collector of revenue of the city of Hoboken shall be three years from the first day of May, eighteen hundred and seventy-two, and that the said collector be, and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of the duties or for any defalcations in the collection of the revenue of said city.

May appoint assistant.

Mayor and council may raise money.

3. *And be it enacted*, That the mayor and council of said city shall have the power to raise the sum of two thousand dollars in addition to the amount specified in the "Supplement to the act to incorporate the City of

Hoboken," which supplement was approved April sixth, eighteen hundred and seventy-one, and said money shall be expended for the purposes therein expressed.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

CHAPTER DLVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Council may designate ger man paper to print proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken may designate one newspaper published in the city of Hoboken in the German language to print the proceedings of that body, and such other matters and things as are now required to be published by the charter of the said city of Hoboken, or any supplement to the same, in addition to the papers as now by law provided; the compensation to be paid be at the like rates as allowed by the council to the two official newspapers.

Compensation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER CCCLV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Lots assessed by mistake.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any two or more lots of land situate in said city of Hoboken, owned by two or more individuals, have been or hereafter may be, by mistake or otherwise, assessed for the costs and expense of any improvement or taxes as if such lots constituted one lot only, it shall be lawful for the mayor and council of the city of Hoboken, by resolution, to make a fair, just and equitable apportionment of said assessments or taxes among such several lots, which have been or may be assessed as one lot, and to declare how much of such assessments or taxes should have been assessed upon each of such lots respectively, and the sum which said mayor and council shall so declare should have been assessed upon each of said lots, shall be and remain a lien on such lots respectively, until the same is paid as fully as if no such error had been made in such original assessment; and thereupon any of such lots may be relieved from such lien, or in case the same have been sold for non-payment of said assessments or taxes, may be redeemed within the time allowed by law by payment of the sum so declared to be a lien thereon, together with the interest, costs and expenses, which may have accrued thereon; *provided*, that the right of the owner or owners of said lands to appeal to the courts from the award of the said mayor and council, shall not in anywise be altered or abridged.

Council to make a just apportionment of assessment.

Proviso.

Owners to be notified of meeting.

2. *And be it enacted*, That before proceeding to divide and apportion any such assessments or taxes as mentioned in the preceding section of this act, the several owners of such lots shall be notified, in writing, of the time and place when and where the council or some appropriate committee thereof will meet to consider the matter of making such division and apportionment, to the end that the parties interested therein, may be heard before said council or committee, which notice shall be served personally upon such owners as can be found in said city of Hoboken, at least five days before the time fixed for said meeting, and upon such owners as cannot be found in said city by publishing said notice in one or more of the newspapers published and circulating in said city, for at least ten days before the time fixed for said meeting.

Notice to be published.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 26, 1872.

CHAPTER DLXIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Council empowered to improve and ornament public parks and squares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby authorized and empowered to improve and ornament both or either of the public parks or squares in said city, one of which is known as "Hudson Square," the other as "Public Squares," and both situate between Fourth and Fifth streets, whenever the council of said city may consider it expedient so to do; and that the costs and expenses of such improvement or improvements be assessed upon the real estate in said city benefited thereby, in proportion to the benefit received, and that said assessments shall be made by the board of commissioners of assessments of said city, who shall proceed in all things in the same manner as in making assessments for the costs and expenses of constructing sewers in said city; and the said assessments shall remain a lien on the lands assessed until paid, and shall be collected in the same manner as assessments for constructing sewers in said city are collected.

May issue improvement certificates.

2. *And be it enacted*, That the said mayor and council shall have power to issue improvement certificates to pay for such improvements as the work progresses, which improvement certificates shall bear interest at the rate of seven per centum per annum, and be payable in two years from the date thereof.

Council may issue scrip or certificates of indebtedness.

3. *And be it enacted*, That to meet the current expenses of filling sunken lots declared to be nuisances, under and by virtue of the nineteenth section of an act

entitled "A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, which supplement was approved April sixth, eighteen hundred and seventy one, the mayor and council of said city are hereby authorized to issue scrip or certificates of indebtedness, which certificates shall show upon the face thereof for what purpose they are issued, and shall bear interest at the rate of seven per centum per annum, and shall be payable in two years from the date of their issue.

Amendment.

4. *And be it enacted*, That the nineteenth section of said supplement approved April sixth, eighteen hundred and seventy-one, be amended by inserting after the words "Street Commissioner" the following, that is to say, "under the direction of the committee on streets and assessments."

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

CHAPTER CCLI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken."

Official newspapers.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey,* That hereafter the common council of the city of Hoboken shall designate two newspapers, "both of which shall not be of the same political party," one of each political party, which shall publish the proceedings of the council and board of education of said city, and such matters and things as are now required to be published by the charter of the city of Hoboken, or by any amendment thereof or supplement to the same, at prices to be fixed by common council, at rates not exceeding those authorized by law for the printing of legal notices; *provided*, that said newspapers are printed and published in the said city of Hoboken, and now authorized to publish the laws of this state.

Proviso.

Repealer.

2. *And be it enacted*, That section twenty and twenty-one of supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty eighth, eighteen hundred and fifty-five, and which supplement was approved April sixth, eighteen hundred and seventy-one, be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

CHAPTER DLXVIII.

An act for the relief of the mayor and council of the city of Hoboken.

Preamble.

WHEREAS, Frederick E Rowald, late city clerk of the city of Hoboken, assumed and exercised the duties of said office, without being duly qualified as required by law; and whereas, certain lands and real estate of said city were sold by the mayor and council of said city, under the direction or supervision of said late clerk *de facto*, and the declarations of such sales have, as yet, not been issued to the purchasers thereof; and whereas, certain ordinances of said mayor and council have not been recorded in the ordinance book and signed by the clerk as required by law; therefore,

Declaration of sale and other papers binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all certificates, declarations of sale, and other documents and papers, witnessed, attested or signed by said Frederick E. Rowald as city clerk of said city of Hoboken, be and the same are hereby ratified and confirmed, and that the same shall be considered as effectual and binding in law as if said Frederick E. Rowald was duly qualified as required by law.

City clerk to sign, witness, &c. ordinances.

2. *And be it enacted*, That it shall be lawful for the city clerk of said city, appointed by the mayor and council of said city for the unexpired term, or his successor in said office, to sign, witness and attest all warrants, certificates, declarations of sale, ordinances, and all other matters and things by law required to be signed, witnessed or attested by the city clerk of said city, and which should have been signed, witnessed or attested before the present incumbent of said office was appointed; and that all such warrants and certificates,

declarations of sale, ordinances and all other documents, matters and things so signed, witnessed or attested by the present incumbent of said office of city clerk, or his successor, shall be as valid, effectual and binding, as if the same had been signed, witnessed or attested at the proper time by his predecessor in said office, and he had been duly and fully qualified as required by law.

3. *And be it enacted,* That all acts and parts of acts inconsistent with this act are hereby repealed, that this shall be deemed a public act, and shall take effect immediately. Repealer.

Approved April 4, 1872.

CHAPTER CCCCII.

An act to authorize the mayor and council of the city of Hoboken to exchange a portion of the Hoboken cemetery grounds for other lands adjoining said cemetery.

Authorized to exchange a portion of cemetery grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken, upon the request of the board of trustees of the Hoboken cemetery, a majority of all the members of said board of trustees agreeing thereto, to exchange such portion of said cemetery grounds as they may deem advisable for other lands adjoining said cemetery; *provided*, no lands heretofore used for interments or sold to private individuals for burial purposes shall be included in such exchange; and the said mayor and council are hereby authorized and empowered to grant and convey the lands so to be exchanged as aforesaid, in fee simple, free and clear of all liens, easements and incumbrances whatsoever; and that the lands to be acquired by said exchange as aforesaid shall be, and the same are hereby set apart forever as a burial place, and shall be held and used in the same manner, and may be sold and conveyed in plots subject to the same regulations and control as the other portions of said cemetery.

Proviso.

Alteration may be made on map.

2. *And be it enacted*, That the board of trustees are authorized and empowered to make such alterations in the map of said cemetery now on file in the office of the clerk of the county of Hudson as may be necessary to carry out the provisions of this act.

Repealer.

3. *And be it enacted*, That all acts and parts of acts

inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved March 28, 1873.

CHAPTER CXXXVIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Financial statement to be published in pamphlet form for distribution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual financial statement by the thirty-fifth section of the act to which this is a supplement, required to be published shall hereafter, at least once a year, not more than thirty and not less than twenty days before the annual city election, be printed and published in pamphlet form; and within the time aforesaid at least one thousand copies thereof deposited in the city clerk's office to be by the city clerk freely distributed and given to the citizens and tax-payers of said city, and that no other publication of said financial statement than as herein provided for shall be required.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed; that this shall be deemed a public act, and shall take effect immediately.

Approved March 5, 1873.

CHAPTER DCCII.

An act to provide for the construction of a main sewer in the city of Hoboken, and township of Weehawken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Chamberlain and John Reid, of Hoboken, and John Frost, of the township of Weehawken, be and they are hereby appointed commissioners to construct a main sewer in the city of Hoboken and township of Weehawken, commencing at a point in the centre line of Jefferson street, at or near Second street, in the city of Hoboken; thence through the centre of said Jefferson street, to the centre of Fifteenth or Sixteenth streets, in said city of Hoboken; and thence through the centre of said Fifteenth or Sixteenth stre ts, to the Hudson river; together with such lateral sewers as they may deem necessary for the proper drainage of all that part of the city of Hoboken as shown upon a map of the commissioners appointed in a certain act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken, and township of Weehawken, approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, and now on file in the city clerk's office of the said city of Hoboken; *provided, nevertheless*, that said commissioners shall not have power to raise money by bonds for the construction of said sewers, but the power to raise money by bonds for the construction of said sewers shall be vested in the mayor and council of the city of Hoboken; and said bonds so issued shall not exceed the total amount of one hundred and fifty thousand dollars, and shall be payable at a term not less than ten nor more than

Names of commissioners.

Sewer to be constructed.

Proviso.

twenty years from date, and shall not be sold at a less sum than ninety-seven cents on the dollar.

Powers of the commissioners.

2. *And be it enacted*, That only such of the provisions of the act entited "An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehaken," approved April fourth, one thousand eight hundred and sixty-six, and the various supplements thereto, as shall be necessary for the purpose of building the said sewers and completing the drainage of the said lands as shown on said map, shall be conferred upon the said commissioners; and that all the powers now given to the mayor and council of the said city to build sewers within the said limits, as shown upon said map, is hereby repealed.

Repealer.

Compensation to be allowed commissioners.

3. *And be it enacted*, That said commissioners shall be entitled to receive a compensation for their services, one half of one per centum of the total cost of said sewer, to be paid by the treasurer of said city upon a warrant signed by the mayor and countersigned by the city clerk, and issued by order of the council upon the certification of the engineer that the said work is fully completed.

Cost of sewer to be paid by taxation.

4. *And be it enacted*, That upon the completion of the work, that an assessment for the total cost thereof shall be made by the said board of commissioners, and together with a proper map shall be placed on file in the city clerk's office, and upon the confirmation of said assessment by the mayor and council of said city, the collector of revenue shall proceed to collect the same in the same manner as other assessments are collected in said city; except that the mayor and council of said city shall, upon the written application of the persons owning a majority of the number of lots included in said assessment provide by ordinance that the amount of said assessment shall be divided into five equal annual payments, which shall bear interest from sixty days after the confirmation of said assessment at the

rate of seven per centum for the first year, eight per centum for the second year, nine per centum for the third year, and ten per centum per annum for the two succeeding years; but the owner or owners of any lot or lots may pay the whole or any part of said assessment on their property at any time previous to the expiration of the said term, and upon such payment to the collector of revenue such lot or lots shall be immediately relieved from all lien or encumbrance from said assessment.

Redemption of bonds.

5. *And be it enacted*, That the money's received from said assessment shall be appropriated for the payment of the bonds authorized to be issued by this act, and said bonds may be redeemed by the mayor and council at any time previous to the expiration of the time for which they were issued, from the money's standing to the credit of said fund; *provided*, the same can be purchased at par or under.

Proviso.

Powers of the council.

6. *And be it enacted*, That the council shall not exercise any other powers under the several acts providing for the drainage of certain low lands in the city of Hoboken and the township of Weehawken, except to confirm and collect the several amounts due under said acts and to pay all indebtedness of said city incurred thereby.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved April 4, 1873.

CHAPTER CCXXII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

May pass ordinances for improving public squares

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have power to pass, alter and repeal ordinances to take effect within said city of Hoboken, for the purpose of improving the square known as Public square, and bounded by Garden, Fourth, Willow and Fifth streets; also the square known as Hudson's square, and bounded by River, Fouth, Hudson and Fifth streets.

Cost of improvement to be raised by tax.

2. *And be it enacted*, That the said mayor and council cause to be raised by tax, a sum or sums of money not exceeding fifty thousand dollars in the whole, to improve and enclose the said squares in the city of Hoboken.

Authorized to issue coupon bonds.

3. *And be it enacted*, That it shall and may be lawful for the mayor and council of the city of Hoboken to raise the said sum of money last above mentioned, by issuing bonds under their corporate seal and the signature of said mayor for an amout of money not exceeding the said sum of fifty thousand dollars, in such sums and payable at such time or times as the said mayor and council may deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors, to sell and assign; *provided*, that no bond shall be sold by said mayor and

Proviso.

council for less than ninety seven dollars on each hundred dollars; *provided, also,* that the bonds to be issued by virtue of this act, shall be redeemable at a period not to exceed twenty years from the passage hereof. Proviso.

4. *And be it enacted,* That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, assess or cause to be assessed and collected, by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided,* that not less than one thousand dollars, nor more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year. Payment of bonds and interest to be provided for by taxation. Proviso.

5. *And be it enacted,* That it shall be the duty of the mayor and council to apply the net proceeds of said bonds to the purpose of improving and enclosing the said squares. Proceeds of bonds, how applied.

6. *And be it enacted,* That the power to raise by tax a sum or sums of money, not exceeding fifty thousand dollars in the whole, to improve and enclose the above mentioned squares in said city of Hoboken, or any one of them, shall not be exercised by said mayor and council unless a majority of the voters of said city of Hoboken, voting at the next charter election in said city, shall signify their assent thereto; and at said election the voters in favor thereof shall deposit a ballot having thereon the words, "For square improvements," and those opposed thereto shall deposit a ballot having thereon the words "Against square improvements" and said words shall be upon the general ticket voted for at said election, and said votes shall be canvassed, and a return thereof made to the city board of canvassers. Improvements not to be made until a majority of voters assent thereto.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1873.

CHAPTER DCCXVI.

An act to authorize the appointment of commissioners to ascertain the probable cost and the best means of supplying the city of Hoboken, and other northerly portions of the county of Hudson, with pure and wholesome water.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Union, the township committees of the townships of West Hoboken, Weehawken, and the board of water commissioners of the city of Hoboken, shall each appoint two discreet and suitable persons, which persons so appointed as aforesaid, with the chairman of the town council of the town of Union, the chairman of the township committee of West Hoboken, and the chairman of the township committee of Weehawken, and the mayor of the city of Hoboken shall constitute a board of commissioners, which commissioners shall be and they are hereby constituted a body politic and corporate, by the name of the "North Hudson County Water Commissioners," and they and their successors may use a common seal, and by their corporate name may sue and be sued in any court of law or equity in this state, in the same manner as other corporations.

Time and place of holding meeting.

2. *And be it enacted*, That the said board of commissioners shall hold their first meeting at such time and place as may be designated by the board of water commissioners of the city of Hoboken, and at their first meeting they shall organize by electing from their own number a president, a treasurer, and a secretary.

Duties of commissioners.

3. *And be it enacted*, That it shall be the duty of said commissioners to make all necessary explorations and investigations to enable them as nearly as may be to ascertain the best and most effectual means of procuring a sufficient supply of pure and wholesome water for the public and private use of the inhabitants of the said city, town and townships, also to estimate the costs of the necessary lands, rights, privileges, pipes, reservoirs, engines, pumps, labor and other necessary things sufficient to secure a full supply of pure and wholesome water for the purposes aforesaid, and for that purpose they are hereby authorized to enter upon any lands in this state to make necessary surveys and to examine the waters thereon, and also to appoint and employ such engineers, clerks, laborers and other assistants as they may deem necessary therefor; *provided*, they shall not expend, nor incur any indebtedness, exceeding in the aggregate the sum of ten thousand dollars.

Proviso.

Shall report plans, estimate of costs, &c.

4. *And be it enacted*, That when said board of commissioners or a majority of them have agreed upon any plan which in their judgment will effect the purpose of so supplying pure and wholesome water to the inhabitants of said city, town and townships, they shall report the same to the mayor and council of the city of Hoboken, to the council of the town of Union, and to the town committee's of said townships of West Hoboken and Weehawken, together with plans, estimates of costs and such other facts, figures and information as will in the opinion of said board best enable all parties interested, to judge of the advisability of constructing such works.

Also information concerning water supplied by the Jersey City water works.

5. *And be it enacted*, That it shall be the duty of said board of commissioners to include in their said report, all information they may be able to obtain in relation to the quality, purity, permanence, extent and cost of the water supplied by the Jersey City water works.

6. *And be it enacted*, That within days after the filing of the above mentioned report of said board of commissioners, the mayor and council of the city of Hoboken, the council of the town of Union, and the respective town committee's of the townships of West Hoboken and Weehawken, shall by resolution respectively declare whether they deem it expedient to proceed with the construction of any works recommended by the said board of commissioners, and if any or all of the said municipal bodies declare in favor of proceeding with the construction of such works, then in that case the said board of commissioners shall provide suitable books with the following heading in each: "We the undersigned severally protest against the construction of water works as recommended by the North Hudson County Water Commissioners," and they shall place one of said books in the office of the city clerk of Hoboken, and one in the office of the town clerk of Union, and one in the office of the town clerk of West Hoboken, and one in the office of the town clerk of Weehawken township, and thereupon said board of commissioners shall give notice by advertisement in at least three newspapers published in the county of Hudson, and circulating in said municipalities, and by such other means as they may deem necessary, that said books are placed as aforesaid, and that the same will be open every week-day from ten o'clock in the morning to nine o'clock in the evening, for three weeks successively, for parties interested to enter their protest therein, and each person so protesting shall sign his or her own name only, and shall place opposite his or her name the assessed value of the real estate on which he or she as owner paid taxes in the previous year; and when said books are closed after having been so kept open for three weeks, if it shall appear that the owners of a majority of the assessed value of the real estate in said city, town and township have protested against

Duties of mayor and council of Hoboken, council of town of Union and town committees of townships of West Hoboken and Weehawken, when report of commissioners is filed.

the construction of water works, then no further action whatever shall be taken in said matter; and if it shall appear that the owners of a majority of the value of real estate have not protested, then the said board of commissioners shall procure a suitable bill to be drawn and presented to the legislature to authorize the construction of said water works for the purpose aforesaid.

Expenses provided for by taxation.

7. *And be it enacted*, That for the purpose of paying the necessary expenses to be incurred in carrying out the provisions of this act, the sum of ten thousand dollars shall be raised by taxation to be assessed and levied upon all taxable real estate situate in the city of Hoboken, in the town of Union, in the township of West Hoboken, and in the township of Weehawken.

Commissioners shall compute said assessments.

8. *And be it enacted*, That the said commissioners shall compute and ascertain the whole value of real estate to be taxed according to the value thereof contained in the duplicates of the several assessors of said city, town and townships for the year one thousand eight hundred and seventy-two, and shall fix and adjust the proportion or quota of said tax to be levied and collected in each of said townships, town or city in proportion to said value, and shall certify the amount to be raised in each township, town or city, and shall send such certificate to the several assessors of said townships, town or city, and thereupon it shall be the duty of the said aseessors to assess the said sums so ordered to be raised, and of the collectors of said townships, town or city to collect the same in the same manner as other municipal taxes are assessed and collected.

Moneys collected to be deposited in the First National Bank of Hoboken.

9. *And be it enacted*, That it shall be the duty of said collectors to deposit the moneys assessed and collected by virtue of this act, in the First National Bank of Hoboken, to the credit of the North Hudson County Water Commissioners.

Commissioners may use funds for defraying expenses.

10. *And be it enacted*, That the said the North Hudson County Water Commissioners may use the funds so

deposited to their credit for the purpose of paying any indebtedness necessarily incurred in carrying out the provisions of this act; *provided*, that every draft or order on said book for the payment of any money shall be signed by the treasurer of said board, attested by the secretary thereof and countersigned by the president of said board. Proviso.

11. *And be it enacted*, That it shall be the duty of said treasurer to keep an accurate account of all moneys paid, and of all debts contracted, and at least once a month to make a plain statement in writing, showing how much has been paid and the amounts of indebtedness owing by said the North Hudson County Water Commissioners. Duty of treasurer.

12. *And be it enacted*, That the said commissioners shall not expend nor incur indebtedness exceeding in the whole the sum of ten thousand dollars, and if the sum of ten thousand dollars deposited to the credit of said commissioners is not all expended in carrying out the provisions of this act, such unexpended balance shall be returned to each township, town and city in the same proportion as the same was contributed by said municipalities. Limit of indebtedness.

13. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved April 4, 1873.

CHAPTER LXXII.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Preamble.

WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand eighty-one dollars and eighty-three cents was raised by taxation in the city of Hoboken for state and county purposes over and above the amount lawfully required to be raised in said city for said purposes; and whereas, the said sum of money remains in the treasury of said city of Hoboken unappropriated;

Appropriation how applied.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey* That the mayor and council of the city of Hoboken be and they are hereby authorized to appropriate and use a portion of said money not exceeding the sum of ten thousand dollars, to purchase and provide such additional engines, hose and other apparatus for the extinguishment of fires as they may deem necessary.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1873.

CHAPTER DLIII.

A further supplement to the charter of the city of Hoboken, passed March twenty-eighth, eighteen hundred and fifty-five.

Election of comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual charter election of said city there shall be elected a comptroller of said city, and annually thereafter, the term of whose office shall commence on the first day of May in each year.

Compensation of comptroller, his powers and duties.

2. *And be it enacted*, That the comptroller shall receive an annual salary of twelve hundred dollars, to be paid in monthly installments, and shall keep an accurate account of all receipts and disbursements on account of the police department, the fire department, poor fund, public schools, salaries and contingent fund, docks, wharves and piers, and city debt, the opening, widening, regulating and repairing of streets, sewers and public places, and such specific objects as a correct management of the city finances may render necessary, to the end that his books may at all times show what are the appropriations for any specific object, what amount has been collected for the same, whether the said amount has been exhausted, or how much remains to the credit of such appropriations, with a detailed account of expenditures for the same; he shall also be subject to all such ordinances and resolutions of the mayor and council as they shall from time to time adopt; his office shall be in the city hall, where he shall attend during the business hours of each day, and he shall make weekly reports of the state of the finances to the council, or oftener if required; he shall give a bond, for the faithful performance of his duties, in the

sum of ten thousand dollars, with two sureties, to be approved by the mayor and council.

Receipts shall be audited by the comptroller.

3. *And be it enacted*, That no receipts of any officer of said city for any moneys from any source whatsoever shall be valid against the said city, except the same shall have been presented to, and have been audited by the said comptroller.

May be removed for cause.

4. *And be it enacted*, That the comptroller shall be subject to removal for cause in the same manner as the city clerk or other city officers.

Duties of the city treasurer as to moneys received.

5. *And be it enacted*, That all moneys received by the collector of revenue, or any officer or agent of said city, which should be paid into the treasury of said city, including all license fees, fines, penalties, and forfeitures, shall be delivered to the city treasurer by such officer or agent within forty-eight hours after he receives the same, and the city treasurer shall, within twenty-four hours thereafter, deposit the same to the credit of the city of Hoboken, in such safe or reliable institution to be designated by the council as may be willing to allow the highest rate of interest for the use of the average balances held by it; *provided*, that no bank holiday shall be taken as a part of said twenty-four hours; *provided also*, that the responsibility of the treasurer as to all amounts deposited in said bank shall cease as soon as said deposit is made and the receipt of the bank obtained therefor.

Proviso.

Proviso.

Statement of amount paid to treasurer to be filed with the comptroller.

6. *And be it enacted*, That when any officer or agent of the city shall pay any money to the city treasurer, the said officer or agent shall also forthwith file with the said comptroller a statement under his hand of the amount so paid, and of the time of payment; which statement shall also show upon what account the said money came to the hands of such officer or agent, to the end that the comptroller may enter the same correctly in his books; and when any money is paid to the city treasurer by any other person than an officer or

agent of the city, the treasurer shall forthwith file with the comptroller a similar statement under his hand of the moneys so paid to him.

Comptroller shall prepare an annual statement of finances.

7. *And be it enacted*, That it shall be the duty of the comptroller to prepare an annual statement of the finance of the city, and file the same with the city clerk not more than thirty, nor less than twenty days before the annual charter election.

Taxpayers, &c., to have free access to books and accounts.

8. *And be it enacted*, That the citizens and taxpayers of said city shall at all times during the business hours of the day, have full and free access to the books and accounts of the comptroller, collector of revenue and treasurer.

Amendment.

9. *And be it enacted*, That section three of the supplement to the city charter, approved April fourth, eighteen hundred and sixty-seven, be and the same is hereby amended, by striking out the word "fifteen" and inserting in lieu thereof the word "eight."

Compensation of commissioners of appeal.

10. *And be it enacted*, That the commissioners of appeal in cases of taxation in said city shall each be entitled to receive the sum of forty dollars in full for all services performed by them as such commissioners, and that the council of said city shall have no power or authority to alter the tax books of said city.

Assessors to give notice of amount of assessment, &c.

11. *And be it enacted*, That the assessors of the said city shall, at the time of making the assessment for taxes, or as soon thereafter as practicable, notify every person so assessed of the amount of such assessment, and the time the commissioners of appeal will sit to hear objections to such assessment.

Collestor of revenue may appoint an assistent.

12. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding five hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible

to the said mayor and council for the proper discharge of the duties of his assistant and shall be liable to be sued on his bond for any neglect of the duties of his office, or for any defalcation in the collection of the revenue of said city.

Repealer.

13. *And be it enacted*, That section seven of the supplement to the city charter, approved April sixth, eighteen hundred and seventy-one, be and the same is hereby repealed.

Repealer.

14. *And be it enacted*. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1873.

CHAPTER DCXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

May raise by tax money to erect additions to school-house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, shall have power by ordinance to raise by general taxation a sum of money not exceeding twelve thousand dollars, for the purpose of erecting suitable additions or wings to school-house number three, in said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1873.

CHAPTER DCXXIII.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fiftyfive.

Preamble.

WHEREAS, the owners of lands situate in the city of Hoboken and in the township of Weehawken, heretofore petitioned the mayor and council of the city of Hoboken to improve Fifteenth street, from the westerly line of Meadow street to the foot of the hill, and in pursuance of said petition the said the mayor and council of the city of Hoboken passed an ordinance authorizing said improvement to be made; and whereas, the said improvement has been made, and the said the mayor and council of the city of Hoboken, have become liable to pay the costs and expenses of doing said work on said street; and whereas, it has been suggested that the said ordinance is irregular and illegal, for the reason that a small portion of the said street improved as aforesaid lies beyond the corporate limits of the city of Hoboken, that is to say, in the townships of Weehawken and West Hoboken; therefore,

Ordinance declared to be legal and binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a certain ordinance entitled "An ordinance to provide for street improvements on Fifteenth street, from the westerly line of Meadow street to the foot of the hill," passed by the said the mayor and council of the city of Hoboken on the twenty-first day of September, one thousand eight hundred and sixty-nine, and approved by the mayor of said city on the twenty-second day of September, one thousand eight hundred and sixty-nine, be and the same is hereby ratified, confirmed and declared to be legal, valid

and binding, and that all contracts and proceedings had, done, performed and taken, under and in pursuance of said ordinance, shall be as legal, valid and binding as if said ordinance had been in all respects regular at the time of its passage.

Equitable proportion of costs and expenses of improvement to be assessed on lots benefited.

2. *And be it enacted*, That the commissioners of assessments of the city of Hoboken are hereby authorized and empowered to assess a just and equitable proportion of the costs and expenses of said improvement upon lots benefited thereby, though situate in the township of Weehawken or West Hoboken, and that the collector of revenue is hereby authorized to collect and receive the said assessments, and that the same shall be a lien upon the lands assessed until paid; *provided, nevertheless*, that a copy of the report of the commissioners of assessments shall be filed in the clerk's office of the township of Weehawken, and in the clerk's office of the township of West Hoboken.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1873.

CHAPTER L.

An act to authorize the mayor and council of the city of Hoboken to purchase a steam fire engine and fire hose.

Mayor and council may raise money by taxation for the purchase of a steam fire engine

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, are hereby authorized and empowered by ordinance, to raise the sum of five thousand dollars by taxation, for the purpose of purchasing a steam fire engine and fire hose for the use of the fire department of said city, which tax shall be assessed, levied and collected at the same time, and in the same manner that other city taxes are assessed, levied and collected.

May contract for purchase of said fire apparatus.

2. *And be it enacted*, That the said "The Mayor and Council of the City of Hoboken," are hereby authorized and empowered to contract for the purchase of said fire apparatus forthwith; *provided*, that the cost thereof shall not exceed the sum of five thousand dollars.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER CLXII.

An act to authorize the mayor and council of the city of Hoboken to borrow money and to issue bonds for the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any judgment or judgments shall hereafter be recovered against the mayor and council of the city of Hoboken, for any indebtedness or liability existing against the said city at the time of the passage of this act, provided there is not sufficient money in the city treasury not otherwise appropriated to pay the same, it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds, under the corporate seal of said city and the signature of the said mayor, for an amount of money sufficient to pay such judgment or judgments, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that said bonds shall not be sold by said mayor and council for less than ninety-seven per centum of the par value thereof; and that said mayor and council shall give at least ten days notice, by advertisement in at least two newspapers, to be designated by the council, of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

Mayor and council may issue bonds to satisfy judgment recovered against city when there is not sufficient money in the city treasury, not otherwise appropriated.

Proviso.

Proceeds of bonds to be applied toward satisfaction of judgments.

2. *And be it enacted*, That the net proceeds of said bonds shall be applied forthwith to the payment and satisfaction of such judgment, debt or debts.

Payment of the same to be provided for by taxation.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance, to provide by taxation for the payment of said bonds and the interest thereon as the same shall become due.

4. *And be it enacted*, That this shall be deemed a public act, and shall take effect immediately.

Approved March 5, 1874.

CHAPTER CCLXXXIX.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Preamble. WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand and eighty-one dollars and eighty-one cents was raised by taxation in the city of Hoboken for state and county purposes, over and above the amount lawfully required to be raised in said city for said purposes; and whereas, the said sum of money, excepting ten thousand dollars appropriated to the fire department of said city by an act approved February eighteenth, one thousand eight hundred and seventy-three, remains in the treasury of said city of Hoboken unappropriated.

Mayor and council empowered to appropriate and use certain money. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized to appropriate and use so much of said money as may be required to pay for the erection and completion of the wings erected and built to school house number three in said city.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Boundaries of portion annexed to city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the territory of the township of Weehawken, in the county of Hudson, situate, lying and being southerly of a certain line described as follows; that is to say, beginning at a point in the middle of the Hudson river, due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend of the same, and being the same territory designated and included in the corporate limits of the city of Hoboken by the act to which this is a supplement, be and the same is hereby set apart from the said township of Weehawken, and re-annexed to the said city of Hoboken, and that the same shall be included within the corporate limits of said city.

Certain offices not to expire.

2. *And be it enacted*, That all justices of the peace, commissioners of deeds and other officers, residing within the limits of the territory hereby annexed to the city of Hoboken, shall hold their respective offices until the same shall expire by their own limitation.

Portion set off subject to proportionate share of debt.

3. *And be it enacted*, That such portion of the lands and property described in the first portion of this act, as separated and set off from the township of Weehawken, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the said township of Weehawken; and the mayor and council of the city of Hoboken shall be made liable to

the debts and obligations aforesaid, to be enforced at law or in equity upon the lands and property aforesaid, and in the proportion and upon the principles aforesaid. The portion of the territory of the township of Weehawken set apart from said township and annexed to the city of Hoboken by the first section of this act shall be liable to taxation the same as other property in the city of Hoboken, unless within thirty days from the passage of this act the owners of a majority in value or area of the territory so set apart and annexed shall file their assent to this act with and pay the sum of five hundred dollars, to the treasurer of the city of Hoboken, and the payment of said sum shall be in lieu and satisfaction of all tax or imposition that may hereafter be levied to pay the principal or interest of any indebtedness heretofore incurred by the city of Hoboken, for any purpose whatsoever, except as hereinafter mentioned and upon the territory so set apart and annexed no tax shall hereafter be levied to pay all or any part of the indebtedness heretofore incurred by the city of Hoboken or any interest thereon excepting that indebtedness of the said city of Hoboken represented by the so called water bonds and so called park improvement bonds of the said city of Hoboken, together with the interest thereon, and the city authorities of the city of Hoboken sh ll hereafter so apportion the taxes of said city, that no tax for any portion of the indebtedness heretofore incurred by said city before the passage of this act excepting as aforesaid shall ever be levied upon or collected from the territory so set apart and annexed to said city by this act.

Portion annexed liable to taxation.

4. *And be it enacted*, That all that portion of the territory annexed to the city of Hoboken by the first section of this act, lying east of the centre line of Bloomfield street, shall be a part of and belong to the Second ward of the city of Hoboken, and all that portion of said territory annexed to said city as aforesaid, lying

Boundaries of Second and Third wards.

west of the centre line of Bloomfield street, shall be a part of and belong to the Third ward of the city of Hoboken.

Seventh Assembly district.

5. *And be it enacted*, That all of the territory, by the first section of this act annexed to the city of Hoboken, shall belong to and be included in the Seventh assembly district of the county of Hudson.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLXXXI.

A further supplement to "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Collector of revenue to increase salary of assistant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized and empowered to cause to be paid from the contingent fund of the said city of Hoboken, to the collector of revenue for said city, a sum in addition to the regular salary now paid to him and authorized to be paid for the employment of an assistant, by virtue of the provisions of the charter of the city of Hoboken, and the supplements thereto, not exceeding one thousand dollars, the said sum to be computed at the rate of eighty-three dollars and thirty-three cents per month, from the fourth day of April, eighteen hundred and seventy-three, to the date of the approval of this act; and to be by the said collector applied to the payment of the salary of the assistant by him employed during the aforesaid time.

To appoint assistant.

Salary.

2. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay the said salary from the contingent fund of the said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of duties or for any defalcations in the collections of the revenue of said city.

To be responsible for assistants acts.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCCXXXIII.

A supplement to an act entitled "A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five which said supplement was approved April fourth, one thousand eight hundred and seventy-two.

Boundaries changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the square known as Hudson square referred to in section one of the act to which this is a supplement, shall hereafter be the Hudson river, and Hudson, Fourth and Fifth streets; and the mayor and council of the city of Hoboken shall have the same power to improve said square between said boundaries as they now have to improve said square between the boundaries mentioned in section one referred to above.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLIV.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Mayor and council empowered to pass, alter or repeal certain ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have the power to pass, alter and repeal ordinances to take effect within said city for the purpose of laying out footwalks and paths in and upon the square known as public square and bounded by Garden, Fourth, Willow and Fifth streets, and also in and upon the square known as Hudson square in said city of Hoboken, and also to pave any or all of such footwalks and paths and all circular and ornamental places in said squares or either of them with flagging or artificial cement stone pavement, as may be deemed expedient by the council of said city.

Proposals for pavement, by whom and how to be advertised for.

2. *And be it enacted*, That before passing any ordinance adopting any particular kind of pavement for the purpose mentioned in the first section of this act, it shall be lawful for the said mayor and council by resolution to advertise for proposals for as many different kinds of pavement, for the purpose aforesaid, as they may deem expedient, to the end that they may select the best, having due regard to the cost thereof; and that thereupon after having passed an ordinance adopting the kind or kinds of pavement selected for the purpose aforesaid, it shall be lawful for the said mayor and council to contract for the kind or kinds of pavement selected, and to cause the same to be laid at the price or prices first offered or proposed without re-advertising for proposals therefor.

3. *And be it enacted*, That it shall be lawful for the mayor and council of the city of Hoboken by resolution to appropriate a sum of money not exceeding two thousand dollars from the contingent fund of said city and to transfer the same to the poor fund to be used for the support and maintenance of the poor of said city in the same manner as other moneys raised by taxation for that purpose are used. Mayor and council empowered to appropriate money for certain purposes.

4. *And be it enacted*, That this act shall take effect immediately, and shall continue in effect for one year only. This act to continue in effect one year.

Approved March 27, 1874.

CHAPTER CCCCLXXX.

A supplement to an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken," approved April fourth, one thousand eight hundred and seventy-three, extending said act so as to embrace two drainage districts, and providing for the construction of main and lateral sewers.

Main sewer authorized to be constructed by original act dispensed with.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the main sewer provided for in the first section of the act to which this is a supplement, to be constructed in Jefferson street north from Second street, be and the same is hereby dispensed with; and all that part of the city of Hoboken embraced in the following limits shall constitute a drainage district, to be known as the first drainage district of Hoboken, to wit: beginning at a point in the westerly boundary line of said city, where the same crosses Eighth street; thence running east through Eighth street to the centre of the block, between Clinton and Willow streets; thence south through the centre of said block and the blocks south of the same until it reaches Second street; thence easterly through Second street to the centre of the block between Garden and Meadow streets; thence southerly to the southerly boundary of the city; thence westerly and northerly along said boundary to the point or place of beginning; and all that part of the city of Hoboken and the township of Weehawken, embraced in the following limits shall constitute the second drainage district of Hoboken, to wit: beginning at a point in the west boundary line of the city where it crosses Eighth street; thence running east down Eighth street to the centre of block be-

Boundaries of drainage districts, First district.

Second district.

tween Clinton and Willow streets; thence running north through the centre of said block and blocks north, until it strikes Thirteenth street; thence follows the line known as the Coster line, until it reaches the point or place of beginning; and the territory embraced in Weehawken shall be known as the meadows or low lands adjacent to the city of Hoboken on the north, and it shall be lawful for the commissioners named in the act to which this is a supplement, to construct in said districts such necessary main and lateral sewers as will effectually drain the same; and in the construction of the main and lateral sewers in the first drainage district, said commissioners shall construct a main sewer in First street, commencing at the west boundary line of the city, the same to run east through First street to Meadow street; thence south to Ferry street, or such other point as said commissioners may deem necessary in order to secure an efficient and effectual outlet for the drainage water passing through said sewer; and the lateral sewers shall run north and south as near as practicable, and empty into said main sewer, and it shall be lawful for said commissioners to adopt a plan of main and lateral sewers in the second drainage district, when said main and lateral sewers shall be required; but it shall be the duty of said commissioners to make provision temporarily, for the drainage of the surface water of said second drainage district, until permanent sewers are constructed.

Commissioners to use maps heretofore made and on file.

2. *And be it enacted*, That it shall be lawful for said commissioners to use the maps heretofore made under an act entitled "An act to provide for the drainage of certain low lands in the city of Hoboken, and township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six; and the various supplements thereto, and now on file in the city clerk's office of Hoboken, so far as the same are applicable to the construction of the main and lateral sewers contem-

plated by this act; and to make such other maps as may be necessary to effectually carry out the provisions of this act.

Preamble.

AND WHEREAS, said low lands and meadows are so low and so constantly overflowed by high tides that no effectual drainage of said lands can be effected unless the sewers are placed below ordinary low tides and to raise the sewage water by the means of steam engines and pumps; therefore,

Commissioners to provide necessary steamengines, houses, &c.

3. *And be it enacted*, That it shall be the duty of said commissioners to provide the necessary steam engines, engine houses and pumps to raise the sewage waters so that said district will be effectually drained, and to employ the necessary officers, engineers and superintendents to manage and work the same, and to raise by tax upon the respective drainage districts a sum of money sufficient to run said pumps and steam engines and to effectually drain said districts; and for that purpose they shall have the right to acquire by lease or purchase and hold the same for the benefit of the districts drained upon which to erect said engines, houses and pumps, not to exceed in any one place a lot of land fifty feet wide by one hundred feet on each side.

Commissioners to levy surface tax, to defray expenses for running and maintaining the same.

4. *And be it enacted*, That for the purpose of raising the money necessary to defray the expense of running and maintaining said engines and pumps, the commissioners named in the act to which this is a supplement shall levy a surface tax in each or either of said districts where the same shall be required, which surface tax shall be uniform on every lot of twenty-five by one hundred feet, or for a larger or smaller lot according to the surface thereof, which sum shall be sufficient to maintain and run said pumps and engines for the year, and to certify the same to the tax commissioners of Hoboken, and said commissioners shall order the same to be assessed in the tax levy for the year for which said certificate is made; and it shall be the duty of the

assessor of the city of Hoboken to levy said tax, and the collector of Hoboken to collect said tax and pay the same over to the city treasurer; and it shall be lawful for the commissioners to issue a monthly requisition on the mayor and council to pay the monthly expenses of running said engines and pumps; and said mayor and council shall honor said requisition and order warrants to be drawn on the treasurer of the city of Hoboken for the amounts of said requisitions, and the treasurer shall pay the same to said commissioners; *provided*, said requisitions and warrants shall not exceed in any one year the amount of tax levied for that year for that purpose.

Assessor to levy and collector to collect the same.

Proviso.

5. *And be it enacted*, That it shall be lawful for said commissioners, for the purpose of purchasing engines, pumps, building, and all other drainage implements, and for the purpose of constructing the main sewers, provided for in this act, as the payments fall due, to issue their requisition on the mayor and council of Hoboken, for the issue of improvement certificates to the persons named in said requisitions; and said mayor and council shall issue the improvement certificates, which shall run one year, and bear interest at the rate of seven per centum per annum, from the date of their issue, and said mayor and council shall pay said improvement certificates at maturity, and for the purpose of paying said improvement certificates the mayor and council of Hoboken shall issue one hundred and ten thousand dollars of ten years bonds, or so many as may be necessary to defray the expense; which bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually; and said bonds may be registered or coupon bonds, and shall be known as sewer bonds, and may be sold at a discount not to exceed five per centum, and with the proceeds of the sales of said bonds, said mayor and council shall redeem said improvement certificates for the purpose of paying

Mayor and council to issue improvement certificates on requisition of commissioners.

Mayor and council empowered to issue bonds to pay improvement certificates.

the interest on the improvement certificates and the interest: and on the bonds issued it shall be lawful for the mayor and council to levy a syecial tax on the sewerage districts created by this act, in proportion to the amount of money expended in each district, respectively.

Commissioners after completion of sewer to certify cost to commissioners of assessments.

6. *And be it enacted*, That it shall be the duty of the commissioners, after they shall have completed any main sewer and the pumping works connected therewith, to as certain the whole cost, and certify the same, with a list of the property drained, to the commissioners of assessments for street improvements in Hoboken; and said commissioners shall proceed to make said assessment upon the district drained by said main sewer, and report the same to the commissioners, who shall give two weeks notice of the filing of said assessment map with them, and in said notice fixing a time and place where they would meet to hear objections from persons interested in the same, and to proceed to correct and approve of said assessments, and when approved, to make three copies, one to be filed with the commissioners in their office, one with the city clerk of Hoboken, and one with the collector of revenue of Hoboken; and it shall be the duty of the mayor and council of Hoboken, in one year before said bonds fall due, to order said assessment to be due and payable, and to collect the same; and said assessments shall all bear interest at the rate of fifteen per centum per annum, from the date of the resolution ordering that the same is due and payable; said interest to be collected with the principal, and said principal and interest as the same is collected, to be applied by the mayor and council to redeem said bonds: and after the passage of the resolution declaring that assessment is due and payable, no further sum shall be assessed in the tax ordinance in the district for interest on the bonds; the assessment to be a lien upon the property from the date of the confirmation of the same by the commissioners,

Commissioners to make assessments on land drained

When mayor and council may order assessments due and payable.

and said lien may be discharged by paying the amount so assessed, and the collector of revenue shall pay the same over to the treasurer of Hoboken; and it shall be the duty of the mayor and council of Hoboken to provide a sinking fund, in which said money shall be placed and safely kept for the redemption of said bonds.

Mayor and council to provide a sinking fund.

7. *And be it enacted*, That for the purpose of constructing the lateral sewers provided for in this act, it shall be lawful for the commissioners when the owners of a majority of the lots on the line of any lateral sewer, petition for the construction of the same, to proceed and construct said lateral sewer and ascertain the cost of the same and to send the cost thereof, with a list of the property benefited thereby, to the commissioners of assessments for street improvements in Hoboken, and said commissioners shall proceed and assess the cost of said lateral sewer on the property dranied thereby, and return the assessment map to the commissioners when completed, and said commissioners shall give two weeks notice of the filing of the same, and in said notice shall be embraced a time and place when any person interested therein may appear before said commissioners and be heard, and after such hearing said commissioners may correct and confirm the same, and file one copy of the assessment map in the office of the commissioners, one copy in the city clerk's office and one copy with the collector of revenue, who shall proceed to collect the same and pay the amount over to the city treasurer, and any assessment remaining unpaid for thirty days after the date of confirmation, shall bear interest at the rate of twelve per centum per annum, and any lands upon which any assessment may be made under this act which shall remain unpaid for thirty days after the same becomes due and payable, may be sold by the mayor and council of Hoboken, and all the provisions of an act entitled "An act to incorporate the city of

Commissioners may construct lateral sewers on petition.

Assessments for the same by whom and how collected.

Hoboken" making provision for the sale and redemption of lands sold for unpaid taxes or assessments shall apply to the lands upon which assessments are made and remain unpaid under this act, and said commissioners for the purpose of paying for the work as it progresses may draw their requisitions on the mayor and council of Hoboken for the issue of improvement certificates to the persons named therein and for the amounts named for the construction of said lateral sewer; *provided*, that said requisitions shall not exceed in the whole the amount of the contract price for the construction of said lateral sewer to gether with such incidental expenses as may be necessary in carrying out the work, said improvement certificates to have one year to run and bear interest at the rate of seven per centum per annum, and said mayor and council shall redeem the same at maturity and apply money collected on said assessments for that purpose.

Proviso.

Proposals and bids to be advertised for.

8. *And be it enacted*, That no work shall be done, materials purchased, or any contract entered into, where the amount exceeds five hundred dollars, authorized to be done or entered into under the terms of this act, except upon two weeks notice for proposals, and advertising for bids; and all contracts shall be awarded to the lowest responsible bidder who is able to give security for the faithful performance of the contract; but the commissioners shall have power to reject all bids, and readvertise if they deem it for the best interests of the property owners so to do.

Contractor to give security.

What newspapers notices to be advertised in.

9. *And be it enacted*, That all notices, required to be given under this act, shall be given and published in the newspaper or newspapers publishing the official proceedings of the mayor and council of Hoboken, and in such other manner as the commissioners may determine.

10. *And be it enacted*, That it shall be the duty of the commissioners to ascertain all their expenses incurred under the act to which this is a supplement, and certify the amount there of to the mayor and council of Hoboken

Commissioners to ascertain expenses and certify the same to the mayor and common council.

11. *And be it enacted*, That the sewer commissioners shall have power to construct a sewer in Willow street from the intersection of said street with Newark street, thence running north through Willow street, and connect the same with the sewer now built in Willow street above Second street, and shall cause the cost and expense of building said sewer to be assessed and collected in the manner provided for in section seven of this act or the property benefited thereby.

Commissioners empowered to construct sewer in Willow street.

12. *And be it enacted* That a majority of said commissioners shall constitute a quorum for the transaction of business, and shall have power to appoint a president, secretary and treasurer, and shall be known as the sewer commissioners of the city of Hoboken and township of Weehawken, and shall have power to fix the bond of their treasurer, and said treasurer shall execute said bond before entering upon the duties of his office, and the commissioners shall approve said bond; said bond shall be filed in the city clerk's office of Hoboken.

Majority of commissioners shall constitute a quorum.

Treasurer to give bond.

13. *And be it enacted*, That before any contract for the construction of any main sewer, or lateral, or for the works pertaining thereto, or for the purchase or lease of any real estate in connection therewith, is awarded, or entered into, the said commissioners shall submit the same to the council of the city of Hoboken for their concurrence therein, and the said commissioners shall have power to adopt any awards of contracts made by them under and by virtue of the act to which this is a supplement.

Contracts for construction of sewers, &c., must be submitted to council before being awarded or entered into.

14. *And be it enacted*, That the number of commissioners be increased from three to five, and for this purpose there shall be nominated by the mayor of the city

Number of commissioners increased from three to five.

of Hoboken and confirmed by the council of said city as soon after the passage of this act as may be convenient, two commissioners in addition to those named in the act to which this is a supplement, which said commissioners shall perform like duties and possess the same rights and privileges as the commissioners named in the act to which this is a supplement, and the said five commissioners so constituted shall, immediately after the passage of this act, proceed to determine by ballot which one of their number shall serve for one year, which one for two years, and which one for three years, which one for four years, and which one for five years from the first day of April next, and thereafter before the first day of April in each and every year succeeding there shall be nominated by the mayor and confirmed by the council of Hoboken, one commissioner, who shall hold his office for five years thereafter, and any vacancy occuring in said board of commissioners by resignation, death or removal from the city, may be filled by the mayor nominating and the council confirming a commissioner to fill the unexpired term occasioned by such vacancy.

Repealer.

15. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

16. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLV.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Board of police commissioners empowered to appoint additional policemen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of police commissioners of the city of Hoboken shall have power to appoint an additional number of policemen; *provided*, the whole number of men on the regular police force of said city shall not exceed forty men.

Proviso.

Chance men, how appointed, powers and duties, &c.

2. *And be it enacted*, That said board shall have power to appoint so many chance men to serve on said police force as occasion may require as said board may deem necessary, which chance men shall, when in active service, have the same powers and perform the same duties and be subject to the same regulations as the regular policemen of said force.

Special policemen, how appointed, duties, &c.

3. *And be it enacted*, That said board shall have power to appoint special policemen to be detailed to serve at or upon the premises of any private person or corporation provided the person or corporation desiring such appointment to be made shall agree to pay such policemen appointed and detailed as aforesaid, the same yearly salary as the other members of said police force shall receive, and shall pay said salary monthly in advance to the treasurer of said city of Hoboken, which special policemen shall be subject to the same rules and regulations as other policemen of said city.

In case of riot mayor to appoint special police.

4. *And be it enacted*, That in case of a riot or disorderly assembly the mayor of the city of Hoboken shall have power to appoint so many special policemen as he may deem necessary to suppress the same; *provided*, special policemen appointed by the mayor of said city

Proviso.

shall not exercise police powers for more than twenty-four hours after his appointment unless the mayor shall deem it necessary to re-appoint the same person or persons for the purpose aforesaid.

Trustees by whom and how divided.

5. *And be it enacted*, That the board of education hereafter to be elected in the city of Hoboken shall, at the first meeting after their election, divide the trustees of each ward into three equal classes, one of which shall go out of office at the expiration of the first year, one at the expiration of the second year, and one at the expiration of the third year; which division shall be made by lot; and that at each succeeding charter election thereafter the said wards shall, respectively, elect one person as trustee for said ward, who shall hold his office for three years, and in case of death or disability of any trustee, a person shall be elected to serve the unexpired term at the next charter election; and that any trustee removing from the ward wherein he was elected shall be disabled within the meaning of this act.

Office of comptroller abolished.

6. *And be it enacted*, That the office of comptroller of the city of Hoboken be and the same is hereby abolished;

Proviso.

provided, that the present incumbent of the said office shall hold the same until the expiration of the term for which he was elected.

Repealer.

7. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act be and the same are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCVIII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Power of council to increase number of members of engine companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken, shall have power to authorize the several fire engine companies of the said city, to increase the number of their members; provided, no company shall be composed of more than seventy-five men.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1875.

CHAPTER CCCXVII.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Number of councilmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken, shall be composed of two council men from each ward of said city.

Members to devide by lot into classes. &c.

2. *And be it enacted*, That the councilmen of each ward, first elected under and by virtue of this act, shall at their first meeting after their election by lot divide themselves into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday of April, of the year one thousand eighth hundred and seventy-six, and every year thereafter, there shall be elected one person as councilman from each ward, who shall hold his office for two years.

When wards may be devided into districts.

3. *And be it enacted*, That whenever any ward shall poll over eight hundred votes at any election, the council of the city of Hoboken, may by ordinance divide the same into two election districts, making the said district as nearly equal in respect to votes as possible; and a judge and inspectors of election and a ward clerk may be thereafter elected within and for each of said districts; whenever any such division shall be made, it shall be the duty of the council at the time of making the same, to appoint an additional judge of election, two inspectors of election and one ward clerk for said ward, who shall serve

Officers appointed and elected.

until their successors are elected; the officers so oppointed shall perform their duties within the election district within which they shall severally reside; and in making such appointment, the council shall have reference not only to the residence of the officers so appointed, but to the residence of the like officers already elected for said ward; the said inspectors so appointed shall not belong to the same political party.

Board of police commissioners may punish members of police force, &c.

4 *And be it enacted*, That the board of police commissioners of the city of Hoboken, shall have power to punish any member of the police force of said city, who may have been found guilty of a violation of the rules of said board, or any one of them, by reprimand, forfeiting or withholding of pay for a specified time or dismissal from the force, but not more than fifteen days pay shall be forfeited or withheld for any one offence.

Police force not to exceed a certain number.

5. *And be it enacted*, That the police force of said city shall not be increased to exceed forty-five men, and chance men shall not be appointed unless to take the place of those members of the police force who may be actually absent from duty by reason of sickness or from other causes.

Repealer.

6. *And be it enacted*, That all acts and parts of acts in consistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 6, 1875.

CHAPTER CCCCXII.

An act to authorize the mayor and council of the city of Hoboken to issue and sell Hoboken city bonds for the purpose of building a school house in said city, and for other purposes.

Mayor and council empowered to issue bonds and to sell the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue registered or coupon bonds under the corporate seal of said city and the signature of said mayor for the sum of forty thousand dollars, in such sums and payable at such time or times not exceeding fifteen years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same; which said bonds it shall be lawful for the said mayor and council, their successors and assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that the said bonds shall not be sold by said mayor and council for less than ninety seven per centum of the value thereof; and that said mayor and council shall give at least ten days notice by advertisement in at least two newspapers to be designated by the council of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

Amount.

Proviso.

Proceeds to be applied to the erection of a school house, bell tower, and the purchase of a fire bell.

2. *And be it enacted*, That the net proceeds of the said bonds to an amount not exceeding thirty-two thousand dollars, shall be applied to the payment of the cost of the erection and furnishing of a suitable school house in said city of Hoboken, to be located on the public grounds known as Market square, and the bal-

ance of eight thousand dollars or so much thereof as may be necessary for the purpose hereinafter stated may be applied for the erection of a bell tower and purchase of a fire bell for the use of the fire department of said city, and that any unexpended portion of the said sums by this act authorized to be raised, shall be paid into the contingent fund of the city of Hoboken.

Payment of bonds and interest.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance to provide by taxation for the payment of said bonds and the interest thereon.

4. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCXIII.

A supplement to an act entitled "An act to incorporate the city of Hoboken" approved March twenty-eighth, one thousand eight hundred and fifty-five.

Mayor, ex-officio a member of board of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the city of Hoboken shall be ex-officio a member of the board of trustees of the Hoboken cemetery; that the board of trustees of the Hoboken cemetery shall every three months make and deliver to the council of the city of Hoboken a detailed and particular statement of all the receipts and disbursements of said board for the previous three months, and any committee of said council authorized so to do by resolution of said council may at any time examine the books, documents papers and vouchers of said board.

Board of trustees to make statement of receipts and disbursements every three months.

Repealer.

2. *And be it enacted*, That all the provisions of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCXVI.

An act to provide for the continuation of the Ravine road sewer in the city of Jersey City and city of Hoboken.

Appointment of commissioners to construct a sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the approval of this act the mayor of Jersey City with the consent and approval of the board of aldermen of said city, shall appoint two commissioners, being freeholders and residents of said city, and the mayor of the city of Hoboken, with the consent of the council of said city, shall appoint two commissioners, being freeholders and residents of said last mentioned city, to construct a sewer commencing at the outlet or termination of the Ravine road sewer in Jersey City, thence to a convenient point in the city of Jersey City, where the said sewer can be connected with one of the sewers now built and established in the said city of Jersey City.

Commissioners may appoint surveyor, and other agents.

Treasurer to give bonds.

2. *And be it enacted*, That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office, to the mayor and council of Jersey City, in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer and file a copy of

Maps and descriptions to be made of route and work.

the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof, all advertisements for proposals to be inserted in at least two newspapers printed and published in each of the cities of JerseyCity and Hoboken for a period of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties from any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer.

Power of commissioners to issue improvement certificates.

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners by any of its officers, agents, engineers, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as herein after provided; *provided*, always, that the payment or tender of payment

May enter on all lands, erect buildings and take hold, use and excavate lands for the building of sewer.

Proviso.

in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter, or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtanied.

Proceedings in case commissioners cannot agree with owners, for use or purchase of lands.

4 *And be it enacted.* That when the said commissioners cannot agree with the owner or owners of such required lands for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said commissioners in the construction of the said sewer, shall be given in writing, under the oath or affirmation of some surveyor of the commissioners, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same be ascertained, to one of the justices of the supreme court of this state, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as the said justice shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested, impartial and judicions freeholders, not resident in either the said cities of Jersey City and Hoboken, commissioners to examine and appraise the said lands and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the said justice, to be expressed therein not less than six days; and it shall be the duty of the said commissioners, having first taken

and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view, and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same and an assessment of damages, to be paid by the said commissioners as aforesaid, for such lands and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands, and the appointment and oaths or affirmations aforesaid in the clerk's office of the county of Hudson, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said commissioners to have, hold and use the said land, or of the said owner or owners to recover the amount of the said valuation, with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said commissioners, if they, as such commissioners, shall neglect or refuse to pay the same in manner aforesaid for twenty days; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerk and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said commissioners.

Commissioners to file map showing area of land drained, and specially benefited.

5. *And be it enacted*, That on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the

completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicions freeholders, not residents of the cities of Jersey City or Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer, shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of the filing of said assessment map and lists to all parties interested in the same by advertising or otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment; confirm said assessment and order the collection of the same by the commissioners having charge of the construction of said sewer.

Commissioners to assess costs and expenses, how appointed.

Copies of assessment lists, maps to be filed.

Justice may confirm assessment, and order collection of same.

6. *And be it enacted*, That the said commissioners shall be entitled to receive such compensation for their services as shall be fixed by the board of aldermen of Jersey City and council of the city of Hoboken, to be paid in improvement certificates by the treasurer of the said commission, upon a warrant signed by the said commissioners and issued upon the filing of the certificate of the engineer in charge of the said work as aforesaid, and the treasurer of the said commission shall receive, in addition to the above compensation, the sum of two hundred dollars, to be paid at the time and in the manner aforesaid.

Compensation of commissioners.

Compensation of treasurer.

7. *And be it enacted*, That should the costs of constructing said sewer exceed the amounts assessed upon the real estate specially benefited thereby, then the said freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, which said cities shall cause such proportion

Excess of cost of constructing sewer over amount assessed, to be charged to Jersey City and Hoboken.

so charged to them to be paid out of the contingent funds of said cities.

Assessments to be a lien.

8. *And be it enacted*, That said assessments shall be a lien upon all the real estate which shall be assessed for benefits arising from the construction of said sewer, and all assessments remaining unpaid for three months after the confirmation thereof shall bear interest at the rate of eight per centum per annum, from the date of said confirmation, and the commissioners shall give due notice to all parties interested of the confirmation of said assessment by advertising the fact of said confirmation in two of the newspapers published in the cities before mentioned and giving notice when said assessments will be due and receivable.

Assessments, to draw interest.

Notice to be given by advertisement.

Report of receipts and disbursements with list of unpaid assessments, to be filed.

9. *And be it enacted*, That within eighteen months after the confirmation of said assessments, the said commissioners shall file a report of their proceedings under the provisions of this act, showing the receipts and disbursements in the matter of said assessment, with a list of all unpaid assessments, with the comptroller of Jersey City, who shall proceed to collect said unpaid assessments in the same manner as is provided for in like cases in the charter of Jersey City, and on the filing of such report all further duties as commissioners on said sewer shall cease and determine.

Unpaid assessments, how collected.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 9, 1875.

COMPILATION OF GENERAL ACTS

OF THE

Legislature of the State of New Jersey

AFFECTING THE

CITY OF HOBOKEN.

CHAPTER II.

An act to provide, for the registration of persons entitled to the right of suffrage in cities, in cases of special elections.

Registration to be made in cases of special elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a vacancy or vacancies have occurred, or shall hereafter occur, by reason of death, failure to qualify or other legal disability, in offices which are filled at general state elections and annual municipal elections, and special elections, shall be hereafter held to fill such vacancy or vacancies in incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, more than twenty thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein, respectively, as herein provided.

Judges of election to constitute a board of registry.

2. *And be it enacted*, That the judge of election in the several wards or election districts into which said wards are or may be devided, shall constitute a board of registry, and shall, as members thereof, severally take and subscribe an oath or affimation before an officer authorized to administer oaths and affirmations, faithfully and impartially to discharge all their duties under this act according to the best of their ability, which oath or affirmation shall be entered on the register.

Notice to be published in daily newspapers of time and place of revising and correcting register.

3. *And be it enacted*, That at least five days before the day fixed in and by this act for the meeting of said boards of registry to prepare a revised and corrected register as hereinafter recited, the city clerk of every such city as aforesaid shall cause to be published in each of the daily newspapers of such city, and con-

tinued therein for at least three days, a public notice of the time and place of revising and correcting such register, and holding such special elections in the several wards or election districts into which said wards shall or may be divided, which place of revising and correcting such register as hereinafter recited, and holding such election, shall be the same.

Duties of the boards of registry, time of meeting, &c.

4. *And be it enacted*, That the boards of registry provided for in this act shall meet in the several wards or election districts, at the place designated in such notices, on Saturday next preceding the time fixed for such special election, at seven o'clock in the morning and shall remain in session until eight o'clock in the evening, (but may take any necessary recess not exceeding one hour during that time) for the purpose of revising and correcting the revised and corrected register prepared for the general election immediately preceding (taking the certified copy thereof filed with the city clerk of every such city as aforesaid), at which said meeting the said boards of registry shall add to said register the names and residences of all persons entitled to the right of suffrage in the election district at such special election and who shall appear in person before them; and they shall erase therefrom the name of any person who shall be shown, after a fair opportunity to be heard, not to be entitled to a vote therein by reason of non-residence or otherwise; and upon the final completion of said register the said boards of registry shall publicly announce and certify on the register the number of names entered thereon, and on the Monday following such meeting shall cause certified copies of the list of names to be posted in a hand bill form in some conspicuous and accessible portion of the premises where the meeting shall have been held and another certified copy of such names shall be filed with the city clerk and be open for public inspection; and if any person shall wilfully tear

Penalty for removing or defacing any list of names posted pursuant to act.

down, remove or deface any list of names, posted pursuant to this act, he shall be deemed guilty of a misdemeanor and on conviction be punished by a fine not exceeding five hundred dollars.

List of persons entitled to vote, to be arranged alphabetically.

5. *And be it enacted*, That the register shall contain a list of the persons entitled to the right of suffrage in the election district, arranged in the alphabetical order of their surnames in such a manner as to show the names at full length, the residence, by the number (if there be a number), and the name of the street, court or alley, or other location of the dwelling place of each person.

Duties of clerks of election.

6. *And be it enacted*, That the clerks of election of the various wards, or election districts into which the wards are or may be devided, shall attend said meeting of the board of registry, and act as clerks of said boards procure and furnish the register, make the entries therein and prepare the certified lists for posting and filing; *provided*, that in case of the absence of the clerk, from sickness or otherwise, said board may appoint a temporary substitute.

Proviso.

Proceedings to be public.

7. *And be it enacted*, That the proceedings of the board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registry.

Members of board of register may administer oaths.

8. *And be it enacted*, That any member of the board of registry may, at said meeting of the board, administer the oaths and affirmations required by law for testing and determining the qualifications of electors and their right to be registered, and that whoever shall swear or affirm falsely in relation thereto, shall be deemed guilty of perjury, and suffer the punishment prescribed therefor.

Penalty for causing names to be illegally registered or for falsely personating registered voter.

9. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his

name to be registered, knowing that he is not entitled to vote in the ward or election district wherein said registry is made, at such special election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every such offense by a fine not exceeding fine hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Register to be preserved for use by the judges of election on election day.

10. *And be it enacted*, That the said register, after being revised and corrected, shall be carefully and safely preserved by the board of registry, for use by the members thereof as judges of election on the day of election, and no person shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry shall refuse to register any person legally entitled to vote, or shall, at the said meeting of the board of registry, register the name of any person who shall not have appeared before the board to require the registry of his name, or be shown to have been a legal voter in the ward or district at the last preceding general election, or if, when acting as judge of election, on the day of election, shall receive the vote of any person whose name shall not appear on the revised and corrected register, he shall be punished, on conviction, for every such offense, by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or both, in the discretion of the court.

Penalty for receiving vote of any person whose name shall not appear on the corrected register.

Poll list, how and by whom kept.

11. *And be it enacted*, That on the day of election the clerk of election shall keep the usual poll list, and one of the judges shall check on the register the name of the person voting, and that after the canvass of the votes, the poll list and the register so kept and checked shall be attached together and shall, within three days thereafter, be filed with the clerk of the county, if such special election be held to fill a vacancy occurring in any office filled at general state elections,

and with the city clerk, if such special election be held to fill a vacancy occurring in an office filled at annual municipal elections.

Expenses, how defrayed.

12. *And be it enacted*, That the expenses incurred under this act shall be paid by the cities respectively to which it applies; that the clerk of election, and each of the members of the board of registry and each judge of election, shall receive three dollars per day for his services, under this act; *provided*, that compensation shall not be paid for more than four days in respect to such election.

Proviso.

Eight hours to constitute a days labor.

13. *And be it enacted*, That eight hours shall constitute a days labor on any day whereon any general or municipal election shall be held.

14. *And be it enacted*, That this act shall take effect immediately.

Approved February 2, 1876.

CHAPTER CLXXX.

An act concerning cities.

May provide by ordinance fixing new locality and directing purchase of land and erecting school house thereon, &c., and provide for payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the mayor and council of any city in this state has been authorized by an act of the legislature to issue registered or coupon bonds, the net proceeds, or any portion of which, are to be applied to the payment of the cost of the erection and furnishing of a school house in any particular part of said city, such mayor and council are hereby authorized to use such net proceeds of said bonds for the payment of the cost of purchasing land and the erecting of a shool house thereon and the furnishing of the same in a locality different from that now authorized by law in such cases, and the council or board of aldermen of any such city may pass an ordinance fixing such new locality and directing the purchase of the land and the erecting of a school house thereon and the furnishing of the same, and may in such ordinance provide for the issue of additional registered or coupon bonds to amount equal to the value of any land purchased for such purpose, and may by ordinance provide by taxation for the payment of any such bonds and the interest thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER CLXXXI.

An act to authorize the apportionment of taxes, assessments and water rents.

Proceedings for the apportionment of assessments and water rents upon application, in writing, by any person interested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application, in writing, by any person interested to apportion any taxes, assessments or water rents, which have been or shall be laid upon any plot or parcel of land in any city, town or township, amongst any subdivisions of such plot or parcel, accompanied by a map showing the subdivisions desired, the officer or body to which such application shall be made as herein provided, shall have power to make a just apportionment of such taxes, assessments and water rents upon and among such subdivisions or such other subdivisions as it may deem just and proper, and also to apportion, in manner aforesaid, any taxes, assessments and water rents for non-payment of which any plot or parcel of land has been or shall be sold under the laws relating to such sale, with expenses of sale, in cases where such land has been or shall be bought by the treasurer or other officers of such city, town or township, for the use and benefit thereof, or by such city, town or township.

Map and report to be filed.

2. *And be it enacted*, That upon the approval of such apportionment by the mayor or passage over his veto, if application was made to the body hereinafter mentioned, where such lands lie in a city, the city clerk shall file the map and report of the officer, board or council showing such apportionment, and upon the adoption of such apportionment by the council or other governing municipal authority of any town, or by the township committee of any township, the clerk of such town or township shall file the map and report

showing such apportionment, and upon such filing the said taxes, assessments or water rents as so apportioned, shall be and remain a lien upon such subdivisions in the same manner as if such taxes, assessments or water rents had been originally laid or assessed upon such subdivisions in the separate amounts so apportioned, and upon payment to the proper officer of the amount so apportioned to any subdivision, with interest and penalties added at the same rates as were chargeable on the original taxes, assessments or water rents respectively, and in case of sale with the proportion of expenses of sale added, such subdivision shall be discharged from all lien or liability under such taxes, assessments and water rents and from the effect of such sale therefor.

Powers to apportion, &c., in whom vested.

3. *And be it enacted* That such powers to apportion shall be vested in and such application made to the mayor and common council, or board of aldermen or other chief municipal authority of the several cities and towns, and the township committees of the several townships; *provided*, however, that whenever there is or shall be in any city or town a board of finance and taxation, or any body possessing the general powers now exercised by such boards, the power of apportionment as aforesaid shall be vested in and such application made to that board; and *provided further*, that wherever there is or shall be in any city an officer called a comptroller, the power of apportionment as aforesaid shall be vested in, and such application made to that officer.

Proviso.

Proviso.

Proceedings when owners of lands to be affected, do not join in application.

4. *And be it enacted*, That when any of the owners of the lands to be effected by such apportionment shall not join in such application, then such comptroller, board, council or township committee shall direct notice to be given to such owner, if resident in such city, town or township, either personally or by leaving the same at his place of abode, and if not

resident in such city, town or township, by advertisement for ten days in a newspaper published and circulating in such city, town or township, and if none is so published, then in the nearest newspaper published in the county, of the time and place where and when a hearing will be had upon such application before such comptroller, board, council or township committee, or a committee thereof, which notice, upon proof of service or publication thereof, shall be deemed sufficient and said comptroller, board, council or township committee may thereupon make such apportionment

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER CLXXXIII.

An act respecting assessments in cities.

Costs and expenses of street and sewer improvements to be assessed upon lots, &c., in proportion to benefit received.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses of street and sewer improvements in any city of this State, the commissioners of assessment in every city, or such city surveyor, person or other persons, as are or may be authorized by law in any city to make an assessment for such improvements, shall in the respective cities for which such commissioners of assessment, city surveyor, person or other persons are or may be lawfully appointed to make assessments, assess the cost and expense of all street and sewer improvements upon the land and real estate benefited by such improvements, and in proportion to the benefits thereby received, in making which said assessment hereby authorized for street or sewer improvements in any city of this state, the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited; *provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed and the remainder of such cost and expense shall be borne by the city at large and paid in the manner provided by law. Proviso.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved April 21, 1876.

CHAPTER CXCVII.

An act to enable cities to supply the inhabitants thereof with pure and wholesome water.

Authority and power to purchase and own water works &c., for the purpose of supplying water, &c.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any city within this State be, and it is hereby authorized, in the manner hereinafter provided, to take and convey from such source or sources as may be practicable, into and through said city, such quantity of pure and wholesome water as may be required for domestic and other purposes by the inhabitants residing with in the corporate limits of said city; and to this end, the said city is hereby authorized and empowered, in the corporate name of said city, to purchase of any water company owning water works within said city, which said company is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers franchises and privileges of said company, for such sum as may be mutually agreed upon by and between the said city and the said water company; and upon the due execution of the conveyance therefor, the said real estate, personal property and works, and corporate rights, powers, franchises, and privileges shall pass to and vest in the said city in as full and ample manner as the same now are or heretofore have been held and enjoyed by the said water company; and that the said city may, in the name and in behalf of said city, purchase, take, hold and enjoy, and convey and dispose of all and such other real and personal estate as may be necessary for the purposes of this act, and may construct and maintain canals, aqueducts, reservoirs, basins, stand pipes, buildings, machinery and appurtenances of every kind that may be necessary and

useful for such purposes, with full power and authority to lay and relay water pipes under any avenue, road, railroad, highway, street, lane or alley within the said city.

Proceedings in case of any disagreement between city and owner or owners as to purchase.

2. *And be it enacted*, That in case of any disagreement between the said city and the said water company, or the owner of any other land or water rights, which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to the said water company, or to such other owner; or in case any such owner shall be an infant, or a married woman, or non compos mentis, or absent from this state, the circuit court in and for the county wherein said city is situated, shall on application of either party, nominate and appoint three disinterested and competent persons as commissioners to examine the real estate and personal property of the said water company, or any other land or water rights, and estimate the value thereof, or damages sustained thereby, and who shall, after reasonable notice to the parties of the time and place when and where they will be heard in relation to the matter, and after hearing and examining the parties, and their respective witnesses, under oath or affirmation and viewing the property, there upon proceed without delay to make their report thereon, and deliver the same to the said court at the next term thereof which may be held in the said county.

Proceedings in case of appeal.

3. *And be it enacted*, That whenever such report shall be confirmed by said court, the said city shall, within two months thereafter, in case of no appeal therefrom, or from the determination of said appeal, pay or cause to be paid to the said water company, or to such other owner (as the case may be), or to such person or persons as the said court may direct, the sum mentioned in said report as the value or damages therefor, in full compensation for the real and personal estate of water company aforesaid, or for any other

property so required, or for the damages so sustained, as the case may be; and thereupon the said city shall become seized absolutely and in fee of said real and personal estate of the said water company, or of such other property so required, and shall be thence discharged from all further claims by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered; *provided*, however, that in case the said city, or the said water company, or owner or owners of the said lands or water works shall be dissatisfied with the report of the said commissioners, and shall apply to the justice of the said circuit court at the same term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed beetwen the said parties, and to order, if required, a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or water works, and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs shall be entered against the said city, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said city shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application to the court shall not prevent the said city from taking

Proviso.

Proviso.

the said land upon the filing of the aforesaid report and tender of the sum awarded.

Appointment of engineers, surveyors, officers, agents, &c.

4. *And be it enacted*, That it shall be lawful for the said city, by its board of aldermen, council or other legislative body, to elect or appoint any and all engineers, surveyors, officers, agents, employees or committeemen that they may deem necessary or convenient for accomplishing the purposes contemplated by this act, to define their duties, regulate their compensation, and provide for their removal, and that the said engineers, surveyors, officers, agents, employees or committeemen so appointed or elected as aforesaid, are hereby authorized and empowered to enter upon any land or water for the purpose of making any and all surveys and examinations necessary under this act, and at all seasonable hours to enter any dwelling or other place where the water so furnished is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof, and the said engineers, surveyors, officers, agents, employees or committeemen shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed by the ordinance or ordinances of the said city regulating the same, and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such engineers, surveyors, officers, agents, employees, or committeemen in performance of such duty, he, she or they so offending shall have the supply of water shut off, until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

Advertisement to be made for proposals for work when expenditure exceeds a certain sum.

5. *And be it enacted*, That whenever any work to be performed or materials to be furnished under the provisions of this act, may involve an expenditure of any

sum exceeding five hundred dollars, the said board of aldermen council or other legislative body of said city, shall designate a time when they will meet at their usual place of meeting, to receive proposals in writing, for doing such work or furnishing such materials, as the case may be, and shall thereupon order the clerk or some other officer of said city to give notice therof, by advertisements put up in ten of the most public places of the said city, and by advertising the same in one or more newspapers printed and published in said city, at least two weeks before the time of such meeting, which advertisements shall specify the dimensions and equality of the work to be done, or materials to be furnished; that all such proposals shall be publicly opened in the presence of those who choose to attend, that not more than one proposal shall be received from any one person for the same contract, directly or indirectly and that said body shall be empowered to reject any or all of said proposals, and to advertise for new proposals, and to accept such as shall in the opinion of a majority of said body be deemed most advantageous for said city; *provided*, the contract for such work and materials, when awarded, shall be awarded to the lowest bidder, and to enter into and compel the performance of all necessary and proper contracts for the doing of such work or furnishing such materials.

Proviso.

Contracts to be in writing.

6. *And be it enacted*, That all such contracts shall be in writing, and of each contract two copies shall be taken, and each copy shall be read before the said body; and if approved by a majority of the whole number thereof, such approval shall be endorsed upon each of said copies by the president of the said body and be by him signed as such president, and then such contracts so approved, endorsed and signed shall be executed by the mayor of the said city on behalf of and in the name of the said city, and under the common seal thereof, and that one of said copies, when fully executed by the

How executed

parties thereto, shall be deposited with the treasurer of said city, and that no party shall be allowed to enter upon any work or furnish any material until such contract shall have been so read, approved, endorsed, executed and deposited as aforesaid; and that every person who shall enter into any such contract with the said city, shall give satisfactory security for the faithful performance of his contract according to its terms, with at least two sureties to be approved by said common council.

Contractor to give security.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act and for the purchase of materials, the laying of pipes and mains in the said city and constructing all works necessary to the full accomplishment thereof and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority

May borrow money and issue bonds.

of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

Treasurer to keep regular books of accounts.

8. *And be it enacted*, That the treasurer of said city shall keep regular books of account, containing the receipts and expenditures under this act, and all such books shall be open at all times to the examination of any member of the legislative body of said city and of any person or persons appointed by said body for that purpose; that the said treasurer shall once at a time fixed by said body, in each and every year, make a detailed statement to the said body of such receipts and expenditures, an abstract of which shall be published with the annual statement of said treasurer.

Annual statement to be made.

Authorized to make rules and regulations.

9. *And be it enacted*, That the said board of aldermen, council or other legislative body of said city shall have the power and they are hereby authorized to make, ordain and establish, all such ordinances, resolutions and regulations as said body may deem necessary and proper for the distribution, supply, use and protection of the said water and the safety, security and protection of the buildings, machinery, canals, aqueducts, reservoirs, and other works and appurtenances thereto, and for fixing and collecting the water rents or prices for water, and for imposing penalties in addition to cutting off the water for the non-payment thereof, and that they may erect such number of public hydrants and fire plugs, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used.

Water rents to be a lien.

10. *And be it enacted*, That the owner and occupier of any house, tenement, building or lot, shall each be liable for the payment or the price or rent as

fixed by the said board of aldermen, council or other legislative body of said city for the use of the water by such owner or occupier, and such price or rent so fixed shall be a lien upon said house, tenement, building or lot, until the same shall be paid and satisfied; that said body shall have authority to require payment in advance for the use or rent of water furnished by said city in or upon any building, place or premises, and in case prompt payment of any water rent or rents shall not be made when the same becomes due, the water shall be shut off from such building, place or premises, and shall not be again supplied to said building, place or premises until such arrears with interest thereon shall be fully paid, and it shall and may be lawful for the said body to give notice for one month, by advertisements in a newspaper printed and published in said city, requiring the owners or occupants of such houses, tenements or lots to pay such water rents so remaining due and unpaid thereon, and if the same are not paid, such houses, tenements, and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term at which any person will offer to take the same in consideration of paying the amount of the water rent, with interest thereon due on the same, and the expenses of such advertisement and sale, and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such water taxes and the interest thereon and the expenses of the said advertisement, then it shall be lawful for the said body to cause such houses, tenements or lots to be sold at public auction for a term for the purposes and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators or assigns shall, by virtue thereof and of this act, lawfully hold

May require payment in advance.

and enjoy the same for his and their own proper use against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended; and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession; and in addition to the remedies above provided, all water rents due, or to become due to the said city, may be collected and recovered in the name of the treasurer of said city in an action of debt, or on the case, before any court of competent jurisdiction, against any person chargeable therewith.

When empowered to charge owners of any building as for a single hydrant.

11. *And be it enacted*, That the board of aldermen, council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceednig the rent charged by said city for a single hydrant, and collect the same in the manner herein before provided for, for the collection of water rents in arrears.

Moneys for water rents, how applied.

12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and manitaining the works and raising and distributing the water and salaries, wages and incidental expenses and charges, shall be applied by said body first to the payment of the interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking

fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

Proceedings in case of receipts are less than expenditures.

13. *And be it enacted*, That the said board of aldermen, council or other legislative body of said city, shall on or before a certain day in each year, to be fixed by said body, by a committee to be appointed from the members thereof, cause a careful estimate to be made of the interest on the water debt and cost of managing and keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and such committee shall report the same in writing to said body, and said deficiency said city shall raise by tax as other city taxes are assessed, levied and collected, and said body shall, in case of any estimated deficiency, furnish a copy of such report to the board or officer who by law is required to make assessments of taxes in said city.

Deficiency to be raised by taxation.

May assess additional sum to cover losses, &c.

14. *And be it enacted*, That it shall be the duty of the said board or other officers of said city to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sum so increased upon all the taxable property in said city in the same manner as other taxes are assessed, and said taxes shall be collected by the collector and other officers of said city, who are by law required to collect taxes and if not paid at the time required by law for the payment of other city taxes, shall be collected by warrant and by and in the same manner as other city taxes are collected in said city and shall be a lien upon the property whereon the same are assessed in like manner.

Penalty for injury to property or works.

15 *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water any portions thereof from the said works, or shall pollute, cor-

rupt or render impure the water in any reservoir, aqueduct, conduct or raceway erected, built or laid down under the provisions of this act, or shall destroy or injure any engine, machine, reservoir pipe, fire plug, hydrant or structure whatsoever, or other property used or required for procuring or distributing the water whereby the same may be obstructed or stopped, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, such person or persons and their aiders and abettors shall forfeit to the said city, to be recovered in the name of the treasurer of said city, in an action of trespass, in any court in this state having cognizance of the same, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court.

Provisions of act to remain inoperative in any city until assent to by a majority of the legal electors thereof.

16. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof voting at an election to be held in said city at any time to be fixed by the board of aldermen, council or other legislative body of said city, of which election the city clerk of said city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least twenty public places in said city, and published in one or more newspapers printed therein, for at least six days previous to the day of such election, and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this city, of the provisions of an act entitled "An act to enable cities to supply the inhabitants thereof with pure and whole-

some water," or against the adoption for this city of the provisions of an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," that the polls for such election shall be held at the usual places of holding the annual charter election in said city, and shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city regulating elections therein, and such officers shall return to the board of aldermen, council, or other legislative body of said city, a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Approved April 21, 1876.

CHAPTER CCIII.

An act to authorize the corporate authorities of cities and towns to drain meadow and swamp lands lying within their corporate limits.

May contract for drainage, &c.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of any town or city having withing its corporate limits any meadow or swamp lands, may by the unanimous vote of all members elected to the board of aldermen, council, or other legislative body of such town or city, with the approval of the mayor or other chief executive officer of said town or city, enter into a contract with any person or persons to drain the same by the construction of dykes, dams, tide banks, drains, sluices, sewers, pumps or other mechanical means necessary or useful, for a term of years not to exceed ten, and to renew the said contract at the expiration of the said term, for a further period of ten years; *provided*, that before the making and entering into any such contract, the said authorities shall first cause an advertisement to be inserted for the space of thirty days, in at least one newspaper printed and published in the said city or town, for proposals, plans and estimates for draining said meadow or swamp lands lying within the corporate limits of said town or city; *and provided, further*, that this act shall not be construed to interfere with any corporation of this state now having authority to drain any territory.

Proviso.

Proviso.

Annual expense of draining to be assessed and collected.

2. *And be it enacted*, That the annual expense of draining said lands shall be assessed by commissioners of assessments or other persons authorized and empowered to perform those duties in any town or city, upon the said lands so drained and upon all the lands

of the said town or city, according to the special benefit received by said lands, together with five per centum additional for the costs and expenses of making such assessment and collecting the same, two per centum to be paid to the persons making, and three per centum to the person or persons collecting the same.

Excess of contract over amount asssed to be paid out of contingent fund.

3. *And be it enacted*, That should the annual amount of the consideration money of said contract exceed the amount assessed upon the real estate specially benefited thereby, such excess shall be borne by and paid ant of the contingent fund of said town or city, or shall be added to the annual tax levy of said town or city, and be assessed and collected the same as taxes are collected and assessed in said city.

When assessment shall be made.

4. *And be it enacted*, That the said assessment shall be made at the same time as the annual assessment for taxes is made in the said town or city in which said meadow or swamp lands are situate, and by the corporate authorities of which said contract has been made; and that on or before the last day of making such annual assessment of taxes, the said commissioners of assessment shall file, in each and every year, an assessment map of such assessment in the office of the clerk of said town or city.

Time and mode of collecting assessment.

5. *And be it enacted*, That said assessment shall be collected at the same time and in the same manner and by the same person or persons, as the same shall be collected by the city or town in which said meadow or swamp lands may be situate, and by the corporate authorities of which said contract has been made.

Assessment to be a lien.

6. *And be it enacted*, That said assessment shall be a lien upon all real estate which shall be assessed for benefits specially arising from the drainage of said meadow and swamp lands, and shall be sold in the same manner and at the same time as lands are now, or hereafter may be, sold for the non-payment of taxes in the

said town or city in which any said meadow or swamp lands may be situate.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER CCV.

An act relating to re-assessments of benefits in cities.

Proceedings where assessments have been set aside by court of review.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvement heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated; in conformity with the provisions of any existing law of this state; and in making such reassessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to aquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said person or persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original assessment; but in making such reassessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original

assessment upon which shall not have been set aside, shall not be liable to be reassessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1876.

CHAPTER XII.

An act relating to the refunding, by municipal corporations in this state, of moneys paid to said corporations by owners of property for assessments for benefits for local improvements, in certain cases.

Preamble.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely or partially set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; and whereas, in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property assessed for said improvements to the proper receiving officers of said cities, which sums of money said cities may be legally liable to refund to said owners so paying said assessments heretofore set aside or that may be hereafter set aside as aforesaid, or that may have been illegally made; and whereas, great and unnecessary embarassment will arise to said cities, and the taxpayers thereof, if said cities are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities should be authorized to delay repayment of said money until such a time as re-assessments for benefits for said local improvements may be made, in conformity with existing laws, provided said re-assessments are made within a reasonable time, and to set-off as against such repayment the amount of any such re-assessment

made for benefits for said local improvements; therefore,

Illegal assessments to be refunded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in the cities of this state have been, or may hereafter be, set aside by the courts of this state, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this state which provisions have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to said municipal corporations, the sums of money so assessed against them for benefits for local improvements, or part thereof; the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall now be legally entitled to recover the amount paid as aforesaid, shall be refunded by said municipal corporations so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements, and the further prosecution of any suits now pending to recover such sums of money, shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by commissioners or other persons lawfully appointed and authorized to make the same; *provided*, however, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside or illegally made as aforesaid shall be collected on final settlement from said municipal corporations to the extent and no further that said parties would now be entitled to recover the same up to the time of final adjustment; *and provided, further*, that where assessments for benefits for local improvements have been heretofore set aside

Refunding to be stayed until new assessments made.

Proviso.

Proviso.

for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and, in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided further*, that nothing in this act contained shall effect in any way the validity of any assessment or re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments; and said re-assessment, with legal interest thereon from the time the said re-assessment is confirmed, shall be a lawful set-off by the said municipal corporation as against the amount legally recoverable by the person entitled to recover any money paid on any such original assessment, set aside or void as aforesaid, and the same may be pleaded in any action that is now, or may hereafter be, pending at any time after such re-assessment is made and confirmed as aforesaid; *and provided further*, that if any writ of certiorari be granted to review any such re-assessment, or part thereof, the time to plead the set-off by said municipal corporation shall be extended until after the final determination of said certiorari.

Proviso.

Proviso.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside

Act applicable to pending suits.

Proviso.

as aforesaid; *provided, however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

Money refunded may be applied to other assessments.

3. *And be it enacted*, That any person claiming from any city the repayment of any money paid by him or his assignor for such assessment may give notice in writing to said city of his desire that such money be applied by said city to cancel or reduce the indebtedness of said person to said city upon any other assessment, and thereupon said city shall apply any balance found due to the person giving such notice upon the reassessment and adjustment in this act directed for the purposes specified in such notice; and the application of such balance upon the assessments specified in such notice shall be considered as made at the time of the receipt of such notice by said city.

4. *And be it enacted*, That this act shall take effect immediately.

Passed February 27, 1877.

CHAPTER XXIV.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common councils or boards of aldermen of the several cities of this state, shall have power by ordinance, to license, regulate, control or prohibit the keeping of shops commonly called "junk shops" or shops for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags and slush, under such regulations and upon such terms as the said councils or boards of aldermen may adopt. Licensing of junk shops.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXXIX.

A further act in relation to assessments in cities.

When assessments may be vacated and set aside by resolution, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages and expenses of any improvement other than for the laying of sidewalks in any city in this state have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city or the board of finance and taxation in any city where such board exists, may vacate, and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city, or any commissioners in said city, qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city according to the provisions of any law of this state.

To provide for payment of costs, damages and expenses of improvements.

2. *And be it enacted*, That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body, or commissioners of streets and sewers, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided*, that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

Re-assessment may be vacated and set aside.

Proviso.

3. *And be it enacted*, That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body thereof, or of any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners, or legislative body, or commissioners of streets and sewers, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such

Providing for rebate of assessments.

city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation; and in cases in which it shall be authorized by such sinking fund commissioners or said board of finance and taxation to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body or such commissioners of streets and sewers may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto.

City may sell lands at public auction, when time for redemption has expired.

4. *And be it enacted*, That in all cases in which any lands have been sold by any city to raise and pay any assessments or taxes levied upon the same, and such city has bought such lands at such sales, and the time for the redemption of the same from the effect of such sales under the provisions of the charter of such city has expired, the common council or other legislative body of such city, or said board of finance and taxation in cities where such board exists, may authorize the sale at public auction of all the estate of such city in such lands; and upon such sale being made, a deed of conveyance of such estate shall be executed to the purchaser under the signature of the mayor or chief executive officer and the seal of such city, to be attested by the clerk of such city as a subscribing witness; *provided*, that no such sale shall be had until the same

Proviso.

shall have been advertised four weeks in one newspaper published and circulating in such city once in each week.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1877.

CHAPTER L.

An act for the government of cities.

Proceedings may be published in a newspaper or newspapers that has been published over two years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of aldermen, council, or common council of any city is required by the provisions of its charter to designate one or more newspapers to publish the proceedings of such board of aldermen, common council or council, and to publish the proceedings of any of the other boards in said city in a newspaper or newspapers printed and published in said city and authorized to publish the laws of the state at the date of the passage of such city charter or any supplement thereto; that in every such case such city may hereafter publish the said proceedings in a newspaper or newspapers published and printed in said city that shall have been in existence and published in said city for over two years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LII.

An act concerning the payment of judgments against any city.

Authorized to borrow money and issue bonds.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance department, from time to time, to borrow money for the use of said city, in such sums as may be necessary to pay any judgment now recovered, or that may hereafter be recovered against such city, either by temporary loans or by the issue of bonds not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk; and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds, or both, as may be determined by such board or department, such indebtedness and bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; said bonds not to be sold or used at less than their par value.

Bonds, how executed.

Provision for payment of interest, &c.

2. *And be it enacted*, That there shall be put in the tax levy of each year a sum sufficient to pay the interest of certificates of bonds issued under the first section, and also such percentage of the principal of said bonds as shall be fixed by the board of finance or finance department, from time to time, and all percentage of the said principal sum thus raised by taxation is hereby pledged and appropriated to the commissioners of the

sinking fund in the city where such commissions exist, for the payment of the principal of said certificates or bonds.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXI.

An act respecting deficiencies in appropriations for the payment of teachers' salaries in cities.

Board of finance or other board authorized by law to make appropriation shall direct payment to be made of teachers salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city containing a board of directors of education or other board having the control and management of the public schools in said city, the appropriation made for the payment of teachers' salaries shall have been exhausted before the end of the fiscal year for which said appropriation shall have been made, and the teachers notwithstanding said appropriation shall have been exhausted, shall have continued teaching during the balance of said fiscal year without compensation, it shall be lawful for the board of finance and taxation, or such other board as is now directed by law to make the appropriation for the payment of teachers salaries in such city, to order and direct payment for the whole or such portion of said services as the said board may decide ought in justice to be paid; *provided*, that payment shall not be ordered or directed for more than one months services as aforesaid; and said board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay for such services of teachers rendered as aforesaid, as the said board may have ordered to be paid, and the amount thus borrowed shall beput in the tax levy next thereafter.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXII.

An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds.

Amount of indebtedness for which bonds may be renewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars, nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof and shall have coupons attached for every half years interest until due; which coupons shall be signed by the said mayor or chairman and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made by the said mayor or chairman

When payable.

How executed.

of said city, town or township in a book to be provided for that purpose.

Amount to be raised by annual taz.

2. *And be it enacted*, That the debt hereby authorized and the interest thereon shall be raised and paid by a tax anually levied and collected as other city, town or township taxes are now or may be hereafter levied and collected; and the whole of each years interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee of any said city, town or township may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds.

Bonds not to be sold for less than par value.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXXXII.

A supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act to which this is a supplement, and which reads as follows, to wit:

Recital of section to be amended.

"7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same, for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary to the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the

said treasurer and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common coucil, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city" be and the same is hereby amended so as to read as follows, to wit:

Amendment.

Amount which cities are authorized to borrow.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding ten hundred thousand dollars for the purpose of defraying all the expenses and the cost of the purchase of real estate, works, property, rights, franchises, privileges and appurtenances of the said existing water company or companies, and of maintaining and extending the same, and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary for the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds not exceeding the amount aforesaid, under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate not exceeding seven per centum per annum payable semi-anually, and to pledge the property and credit of said city for the payment of the same; that the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall

be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said board of aldermen or common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

2. *And be it enacted*, That the eleventh section of the act to which this is a supplement, and which reads as follows to wit:

Section to be amended recited.

"11. *And be it enacted*, That the board of aldermen, council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane, alley in said city in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears," be and the same is hereby amended so as to read as follows, to wit:

Amendment. Authorized to charge and collect water rents.

11. *And be it enacted*, That the board of aldermen, common council, or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in ar-

rears; and that the board of aldermen, common council, or other legislative body of said city, may from time to time fix by ordinance a sum to be assessed annually upon all vacant lots situated along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, which sums so fixed and assessed shall be denominated water rents, and shall be collected in the manner hereinbefore provided for, for the collection of water rents.

3. *And be it enacted*, That the twelfth section of the act to which this is a supplement, and which reads as follows, to wit:

"12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity," be and the same is hereby amended so as to read as follows, to wit:

Section to be amended recited.

12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water works, or for constructing and maintaining water works, and raising and distributing the water, and salaries, wages and incidental expenses and

Amendment.

Moneys received, how applied.

charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the purchase and construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or, if that can not be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the repayment of the bonds at maturity.

Board of water commissioners authorized to act in cities where such boards exist.

4. *And be it enacted*, That whenever any water works owned and controlled by any city in this State shall be directly managed and conducted by any board of water commissioners, or other body authorized by law, then and in that case the said board of commissioners or other body shall have all the powers, rights and duties in respect to the management of said water works, and the assessment and collection of said water rents or taxes, which are by this act, or the act to which this is a supplement, conferred, or may be hereafter conferred upon the board of aldermen, council, or other legislative authority of such city.

Cities owning works under act heretofore passed to enjoy rights and privileges conferred by this act.

5. *And be it enacted*, That any city in this State owning and controlling water works under and by virtue of any act heretofore passed, may enjoy and exercise all the powers, rights and privileges conferred by this act, so far as the same may be applicable, and with no other limitations or restrictions than are herein contained and specified.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XC.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any work has been done or materials furnished in or for the erection or construction of any building or buildings, or any excavation therefor, or any addition, alteration or repair of any building or buildings, for or on account of any city in said state, and such work or materials were not duly advertised and contracted for in the manner prescribed by law, then the justice of the supreme court holding the circuit court for the county in which such city shall be situated, shall appoint a referee who, if it appears to his satisfaction, that such work and materials were furnished in good faith, and without any intention to evade the law, by the order of any lawfully constituted board in such city, or by the architect, superintendent or other person having charge of the work on any such building or buildings, shall order paid to the person or persons who may have done or furnished the same, such sum of money in payment thereof as shall be just and reasonable; and the money so ordered to be paid shall upon confirmation of the report of said referee by said judge, and approval of such report by a resolution of the board of finance of said city, or finance department, adopted for that purpose, and approval of such resolution by the mayor of said city, be paid by said city in like manner as if due advertisement and contract had been made in the premises.

Justice of the supreme court holding the circuit court shall appoint referee in case work or materials were not duly advertised and contracted for.

Money to be paid on confirmation of report of referee.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCVI.

An act respecting reports of boards having the control and management of public schools in cities.

Reports to be made in the month next succeeding termination of fiscal year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city containing a board of directors of education or other board having the control and management of the public schools in such city, annual reports concerning the condition of the public schools in such city are now required by law to be published in the month of August of each and every year, said reports shall hereafter be made in the month next succeeding the termination of each and every fiscal year of said city, and shall be reports for the said fiscal year terminated immmediately preceding the month in which said reports are by this act directed to be published.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CII.

An act for the regulation of salaries of city treasurers.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in any case where by the act of incorporation of any city, or any supplement thereto, the salary or compensation of the city treasurer shall be fixed at the sum of five hundred dollars, it shall be lawful for the mayor and council or board of aldermen to fix by resolution the salary or compensation of said treasurer; *provided*, that the same shall not exceed the sum of two thousand five hundred dollars; *and provided, further*, that the salary or compensation of such city treasurer which has been so fixed as aforesaid, shall not be increased during the continuance of the term of office of such treasurer. Compensation of treasurer. Proviso. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXVI.

An act to amend an act entitled "A further act in relation to assessments in cities," approved March seventh, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second and third sections of the act to which this is a supplement, which are in the following words:

Section of act not to apply recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages, and expenses of any improvement other than for the laying of sidewalks in any city in this state have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city, or the board of finance and taxation in any city where such board exists, may vacate and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city or any commissioners in said city qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each

of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city, according to the provisions of any law of this state.

"2. *And be it enacted*, That any assessment for any improvement, other than for the laying of side walks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body, or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body or commissioners of streets and sewers in said city, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided*, that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid. Recital continued. Proviso.

"3. *And be it enacted*, That where any assessment for any improvement, except the laying of side walks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the jugdment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body thereof, or any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate Recital continued.

of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners or legislative body, or commissioners of streets and sewers in said city, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation, and in cases in which it shall be authorized by such sinking fund commissioners, or said board of finance and taxation, to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body, or such commissioners of streets and sewers, may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto," shall not extend or apply to any assessment acted upon, made or determined by virtue of the act entitled "An act to adjust unpaid assessments in Jersey City," approved March twenty-sixth, eighteen hundred and seventy-three, nor to any assessment acted upon, made or determined by virtue of an act entitled "An act to adjust unpaid assessments in the city of Paterson," approved April ninth, eighteen hundred and seventy-five.

Not to extend or apply to Jersey City or the city of Paterson.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXX.

An act relating to the refunding, by commissioners of streets and sewers, or any other commissioners in any city in this State, of moneys paid to any such commissioners by owners of property for assessments for benefits, for local improvements, where said assessments have been subsequently set aside.

Preamble.

WHEREAS, large numbers of assessments for local improvements in different cities of this state have been heretofore, and may be hereafter, entirely set aside by the courts of this state having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; and whereas, in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property assessed for said improvements to commissioners of streets and sewers in said cities, which sums of money said cities or said commissioners may be legally liable to refund to said owners so paying said assessments heretofore set aside, or that may be hereafter set aside as aforesaid; and whereas, great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities or said commissioners are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities or said commissioners, as the case may be, should be authorized to delay repayment of said money until such time as re-assessments for benefits for said local improvements may be made in conformity with existing laws, provided

said re-assessments are made within a reasonable time; therefore,

Money paid on illegal assessments to be refunded.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*. That in all cases where assessments for benefits for local improvements in the cities of this State have been, or may hereafter be set aside by the courts of this State, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this State, which have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to commissioners of streets and sewers in any city the sums of money so assessed against such owners or their real estate for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall be legally entitled to recover the amount paid as aforesaid, shall be refunded by said commissioners so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by such commissioners or by other commissioners or other persons lawfully appointed and authorized to make the same; *provided, however*, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside as aforesaid, shall be collected on final settlement from said commissioners at the rate of seven per centum per annum, from the date of the payment of said assessments up to the time of final adjustment; *and provided, further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements

Proviso.

Proviso.

shall be made and completed within two years from and after the passage of this act; and in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided, further*, that nothing in this act contained shall effect in any way the validity of any re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments, and the balance, if any, in favor of the person so paying, refunded. Proviso.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this state for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided, however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein. Act applicable to pending suits. Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXVIII.

A supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six, which reads as follows:

Recital of section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this State, by and through its board of finance or finance department, from time to time to borrow money for the use of said city, in such sums as they may think best, in anticipation of the collection of taxes in arrears in such city, not to exceed at any time, the amount thereof then in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department; such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided, nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value, be amended to read as follows:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be

lawful for any city within this state, by and through its common council or its board of finance or finance department from time to time to borrow money for the use of said city, in such sums as they may think best, to provide for present unfunded or floating indebtedness, or in anticipation of the collection of taxes or of assessments for benefits for street or sewer improvements in arrears in such city, not to exceed at any time, the amount thereof in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said common council, board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided, nevertheless,* that said bonds shall not be sold for less than ninety fine per centum of their par value.

May borrow money to provide for unfunded or floating indebtedness and issue bonds therefor.

2. *And be it enacted,* That all moneys received as principal and interest on account of said taxes and assessments in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities, where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

Payment of principal and interest of bonds, how provided for.

3. *And be it enacted,* That whenever any owner of lands in any city within this state has or shall give a bond to such city for the payment of any assessment levied against his or her lands, and shall desire to have a portion of said lands released from such bond and the assessment for which it is given, and shall proceed and

Proceedings for release of portion of lands from bond and assessment.

obtain an apportionment of such assessment under the provisions of the act entitled "An act to authorize the apportionment of taxes, assessments, and water rents," approved April twenty-first, one thousand eight hundred and seventy-six, so as to determine the amount of said assessment upon the land to be released, then it shall be lawful for such city to receive the amount so apportioned on account of said bond and release such proportion of such lands from such bond and the assessment for which it is given.

Not applicable to certain cities.

4. *And be it enacted*, And that nothing in this act shall be construed to permit the increase of indebtedness in any city whose debt is now limited by law, and in any city wherein there is a board of finance or finance department, the powers in this act conferred shall be exercised by such board or department and not by the council, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLIV.

An act to authorize the municipal authorities of the cities in the state of New Jersey to fix and regulate the salaries of their officers.

Annual salary shall be fixed by ordinance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to fix by ordinance the annual salary of each person elected by the people or appointed by such board of aldermen or common council to any office in any such city, and the time and the manner of the payment thereof; *provided*, that the salary of the members of such board of aldermen or common council shall not be increased beyond the amount now fixed by law for said boards respectively; *and provided, further*, that nothing in this act shall be construed to authorize the payment of a salary to any city officer not now entitled by law to receive a salary, but the salary of no city officer shall be altered during the term for which he has been or may be appointed; provided that no salaries of officers or clerks in the finance department of any city wherein there are now commissioners of the sinking fund established by law, whether such salaries are fixed by statute or otherwise, shall be changed without the consent of a majority of such commissioners.

Proviso.

Salary not to be changed during the fiscal year.

2. *And be it enacted*, That no salary, when so fixed by ordinance, shall be changed during the fiscal year for which it shall have been fixed, but said board of aldermen or common council may, at the commencement of any fiscal year, by ordinance, change any such salary as in the judgment of said board of aldermen or common council the welfare of the said city may require.

Act not to apply to certain cities.

5. *And be it enacted*, That this act shall take effect immediately, but this act shall not apply to cities having over fifty thousand inhabitants, nor shall this act be construed to apply to the salaries of teachers in any of the public schools of this state.

Approved March 9, 1877.

CHAPTER CLVI.

An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of the State.

Providing for the recovery for publication of minutes and proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the municipal boards whereof are authorized by special act of the legislature to publish the minutes and proceedings of said board or boards, the proprietor or proprietors of the official newspaper or newspapers so designated by said board or boards, which said official newspaper or newspapers have heretofore published said minutes in full, and not an abstract or synopsis thereof, shall be entitled to receive and recover from said city or cities payment therefor, according to the rates fixed by said municipal board or boards.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLI.

Supplement to an act entitled "An act for the continuation of the Ravine road sewer in the city of Jersey City and the city of Hoboken," approved April ninth, anno domini one thousand eight hundred and seventy-five.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of the act to which this act is a supplement, and which reads as follows:

That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office, to the mayor and council of Jersey City in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said the mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer, and file a copy of the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof; all advertisements for proposals to be inserted in at least two newspapers printed and published in each of the cities of Jersey City and Hoboken for a period of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said

cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties of any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer," be amended by adding to said section the following words: *Provided*, that whenever the said improvement certificates, shall, in the hands of any one holder thereof, represent in value the sum of one thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively, as have in charge and under their control and management the finances and financial affairs of said city of Jersey City and the said city of Hoboken respectively, shall issue to said holder of said certificates, bonds of the said city of Jersey City and the said city of Hoboken respectively, equal in representative value to the representative value of said improvement certificates as aforesaid, and in lieu of said improvement certificates, which bonds shall bear lawful interest; and the said improvement certificates for which said bonds shall be issued, shall, upon the delivery of said bonds to said holder of said certificates presenting the same, be cancelled, and when so cancelled shall be the proper vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken respectively, for the bonds so issued to said holders respectively. Amendment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLII.

An act to authorize the adjustment and payment of claims and demands arising out of proceedings taken under an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken," approved April fourth, one thousand eight hundred and seventy-three, and supplements thereto.

Preamble.

WHEREAS, That part of the township of Weehawken wherein the sewers which were authorized to be constructed by said acts has been annexed to the city of Hoboken, and the commissioners who were appointed under said acts have ceased to exercise the powers conferred; and whereas, claims and demands for services rendered and work and labor done and materials found and provided, touching the improvements by said acts authorized under contracts or undertakings with the commissioners appointed under said acts, remain unpaid, and it is just that a remedy should be provided; therefore,

Proceedings for collection of claims and demands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons having claims and demands against the commissioners appointed under said act for services rendered or work and labor done and materials for the same found and provided under any contract or undertaking with said commissioners, which claims and demands are held in his or their own right and not by assignment, can bring an action or actions of assumpsit, therefor or other action or actions as the case may require, against the mayor and council of the city of Hoboken, in any court of this state having competent jurisdiction, and the

mayor and city council of the city of Hoboken can plead thereto, and such action or actions shall be conducted as other actions of a like character for like claims under the laws of this state, with like remedies by writs of error, appeals or otherwise, as provided by law; this act shall not authorize any actions for any claims and demands for loss of profits where contracts and agreements shall have been entered into by said commissioners with any person or persons, and which contracts have not been performed in whole or in part; in case such claims hereby authorized to be prosecuted shall be found just and lawful, final judgment shall be entered thereon against the mayor and council of the city of Hoboken, then it shall be the duty of the mayor and council of the city of Hoboken to pay such judgments, and to collect the amount thereof by taxes, in the manner that taxes shall be assessed and raised in said city, and appropriate provision shall be made for the assessment and collection of such taxes by the mayor and council of the city of Hoboken, for which authority is hereby given.

Claims can be submitted to arbitration.

2. *And be it enacted*, That by consent between the mayor and council of the city of Hoboken and such claimants, or any of them, such claims and demands as aforesaid can be submitted to arbitration, and the award or awards of such arbitrators, made in accordance with law shall have the same force and effect as judgments as aforesaid, and the amount thereof shall be paid as aforesaid, and raised by taxation as aforesaid.

Compensation to corporation attorney.

3. *And be it enacted*, That it shall be the duty of the corporation attorney of the city of Hoboken to appear for and on behalf of said city in any action that may be brought against the said the mayor and council of the city of Hoboken, or in any submission to arbitration by virtue of the provisions aforesaid, and that he shall be entitled to such reasonable compensation as may be approved of by the mayor of said city, and

which compensation so approved as aforesaid shall be paid by the said mayor and council, and all lawfully taxable costs of such suits or submissions to arbitration.

By whom paid.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER II.

An act relating to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rate of interest on taxes remaining unpaid in any incorporated city of this state, at the period when said taxes are by their several charters declared to be in arrears, shall be ten per centum per annum from the date when said taxes are so declared to be in arrears, and in cases where lands and real estate have been or may be, sold for non-payment of said taxes, the certificates of said sales shall be redeemable (except as hereinafter stated,) upon payment of the amount for which said lands and real estate were or are sold, and interest thereon at the rate of ten per centum per annum from the date of said sale; *provided, however*, that it shall be lawful for the governing bodies of cities, in which the redemption of said certificates is not pledged to commissioners of sinking funds for the payment of bonds issued in anticipation of the collection of such taxes, to fix by resolution the interest on said past due taxes at a rate not less than seven nor more than twelve per cent, per annum, and in lieu of said rate being fixed by resolution of the governing body, the rate shall be ten per cent, as above, and no more.

Rate of interest on unpaid taxes.

Proviso.

2. *And be it enacted*, That the rate of interest on unpaid assessments for local improvements, in any of the cities of this state, shall be seven per centum per annum from the date when the same are due and payable, in accordance with the provisions of the charters of incorporated cities of this state until the date of sale of the lands and real estate on which said unpaid assess-

Rate of interest on unpaid assessments.

ments are a lien, and after such sale the certificates, issued in pursuance of law, shall be redeemable upon payment of the amount for which said property was sold, and interest at the rate of ten per centum per annum from the date of said sale; *provided, however*, that nothing in this or the preceding section contained, shall authorize the receipt, under the provisions of this act, of any such taxes or assessments in cases where lands and real estate have been sold for such taxes or assessments, and bought by any other person than the city in which said taxes or assessments are laid, or some officer thereof for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or effected; nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed or delayed by anything in this act contained.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1878.

CHAPTER XXXII.

An act authorizing the receipt in instalments of certain taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons authorized by the charters of the several cities of this state to collect and receive taxes for state, county and municipal purposes, are hereby authorized and empowered to receive the same in instalments of not less than one-fourth of the whole amount of the taxes, and interest thereon remaining unpaid, at any time before the sale of the lands and real estate upon which said taxes are a lien, and in case of sale of lands and real estate for delinquent taxes which have been partially paid under the provisions of this act, the amount for which said lands and real estate shall be sold, shall be the amount of said taxes then remaining unpaid, with such addition for interest as shall be fixed by law, together with the costs of advertising and auctioneer's fees; *provided, however*, that nothing in this act contained shall authorize the receipt under its provisions of any such instalment of taxes in cases where the lands and real estate on which said taxes are a lien, have been or shall be sold for non-payment thereof, nor shall any lien upon real estate be released or affected, nor shall any sale of real estate for taxes be stayed or delayed by anything in this act contained.

Authorized to receive taxes in instalments of not less than one-fourth of the whole amount and interest.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1878.

CHAPTER LIII.

An act to provide for the full payment of the fixed annual salaries of teachers in certain cities.

Board of finance and taxation to order and provide for full payment of annual salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, having a board having the control and management of the public schools, called a board of directors of education the teachers of which schools shall not have received their full annual salaries, as fixed by said board at the commencement of the fiscal or school year, or prior thereto, but only a portion thereof, it shall be lawful for the board of finance and taxation, or other board possessing the power and authority to make or fix appropriations for the payment of the salaries of said teachers, to order, direct and provide for the full payment of said salaries; *provided, however*, that the payments to be made under and by virtue of this act shall not, in any case, exceed one months salary, and the board, last before named, are hereby empowered and directed to borrow, in anticipation of taxes next to be levied in any such city after the passage of this act, or raise in such other manner as may be legal, sufficient money to pay the salaries before named, and the requisite sum not exceeding the one month's salary before mentioned shall be put in the tax levy next thereafter.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1878.

CHAPTER LXXXVI.

An act relating to boards of education in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That boards of education now prohibited by law from purchasing any article necessary for the schools under their control without advertising for the same, are hereby authorized to purchase, without advertising, to the extent of twenty-five dollars for any one article; *provided*, the same be sanctioned by a majority of the board. Board of education authorized to purchase without advertising. Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1878.

CHAPTER CVIII.

An act relating to the purchase of land and water rights by boards of water commissioners, and issuing bonds therefore.

Consent of common council to be obtained before issuing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where there is in any city of this state an aqueduct board or board of water commissioners, it shall not be lawful for such board to make any contract or issue any bonds for the purchase of any land or water rights for the purpose of supplying said city with water, without having first obtained the consent of the common council or other governing body of such city thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1878.

CHAPTER CXXV.

A supplement to an act entitled "An act to provide for the construction of the Ravine road sewer in the city of Jersey City and city of Hoboken," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement, and which reads as follows:

"3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; provided always, that the payment or tender of payment in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such

Recital of section to be amended.

land be first had and obtained," be and the same is hereby amended, so as to read as follows:

Amendment.

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided*, always, that the payment or tender of payment, in lawful money of the United States, of all damages for the taking and occupation of lands through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained.

Proviso

May connect sewer with sewers now built as commissioners may deem expedient.

2. *And be it enacted*, That it shall be lawful for the commissioners, appointed or to be appointed under and pursuant to the provisions of the act to which this is a supplement, to construct said sewer to connect the said sewer with as many sewers now built and established in Jersey City, and with any natural water course intersecting said sewer, as said commissioners may deem expedient or necessary, and that the cost and expense of making such connections shall be deemed and taken as a part of the cost and expense of constructing said

sewer, and shall be assessed upon the lands specially benefited, and paid in the same manner provided for in the act to which this is a supplement; that is to say, that on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicions freeholders, not residents of the cities of Jersey City and Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of filing of said assessment map and lists to all parties interested in the same by advertising or otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment, confirm said assessment and order the collection of the same by the commissioners having charge of the construction of said sewer; and should the costs of constructing said sewer exceed the amounts assessed upon the real estate specially benefited thereby, then the said freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, when said cities shall cause such proportions so charged to them to be paid out of the contingent funds of said cities.

Commissioners shall cause an assessment map to be made.

Copy of assessment lists to be filed with a justice of the supreme court.

Costs exceeding the amounts assessed to be paid out of contingent funds.

3. *And be it enacted*, That in case it shall be necessary to appoint commissioners to condemn any lands necessary to be taken for the construction of said sewer, it shall be lawful for the commissioners appointed to construct said sewer, to make a requisition on the mayor and council of the city of Hoboken for a sum of money

Commissioners to make requisition on mayor, &c., for money to pay amount awarded land owner.

sufficient to pay the amount awarded to any land owner or owners for the value of the lands and damages thereto, whose lands may have been taken for the purpose aforesaid, and also for all costs, charges and expenses incident to the necessary proceedings taken or to be had, and taken under the fourth section of the act to which this is a supplement; and thereupon it shall be the duty of the mayor and council of the city of Hoboken to draw a warrant on the contingent fund of said city, payable to the order of the treasurer of said board of commissioners, for the amount required, and it shall be the duty of said treasurer of said board to receive said moneys and pay out the same under the direction of said board of commissioners.

Money to be refunded and paid back.

4. *And be it enacted*, That all moneys paid by the mayor and council of the city of Hoboken, in pursuance of the preceding section of this act, shall be refunded and paid back out of the first moneys collected from assessments on lands specially benefited by the construction of said sewer.

Commissioners may issue improvement certificates.

5. *And be it enacted*, That in case the said commissioners appointed to construct said sewer shall deem it advisable so to do, instead of making a requisition on the mayor and council of the city of Hoboken for the moneys necessary for the purposes mentioned in the third section of this act, to raise money for the purpose aforesaid by issuing improvement certificates, or certificates of indebtedness, in the manner mentioned in the second section of the act to which this is a supplement, that is to say in their own names, therein and thereby plodging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as may therein designate, not exceeding two years from the date of issue bearing interest at the rate of seven per centum from the date of issue; *provided*, that whenever the said improvement certificates shall, in the hands of any one holder thereof represent in value the sum of one

Proviso

thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively as have in charge and under their control and management the finances and financial affairs of said city of Jersey City and the said city of Hoboken respectively, shall issue to said holder of said certificates bonds of the said city of Jersey City and said city of Hoboken respectively, equal in representative value to the representative value of said improvement certificates as aforesaid and in lieu of said improvement certificates which bonds shall bear lawful interest; and the said improvement certificates for which said bonds shall be issued, shall, upon the delivery of said bonds to said holder of said certificates presenting the same be cancelled, and when so cancelled shall be the proper vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken, respectively, for the bond so issued to said holders respectively; and it shall be lawful, and the said commissioners are hereby empowered, to issue such certificates payable to the treasurer of said board of commissioners or holder thereof, and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum per annum from the date of issue, and thereupon the said treasurer of said board is hereby authorized and empowered to negotiate and sell the said certificates of indebtedness for the best price he can obtain for the same, and the proceeds of such certificates shall be paid out by the said treasurer under the direction of said board for the purposes aforesaid.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1878.

CHAPTER CLXXII.

An act creating a sinking fund for the payment of certain assessments in cities.

Special tax authorized when amount assessed is less than total cost of improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any commissioners of assessments, board of assessors or other persons having the power or authority by any act or acts of the legislature of this state to assess the costs, damages and expenses of any improvement upon lands, or upon the owner or owners of lands, benefited by such improvement, shall assess, or have assessed, upon the same an amount less than the total cost of any improvement, it shall be lawful for the city council, board of aldermen, township committee or other corporate authority of any city, town, township or incorporated place, and they are hereby required to raise, by special tax, the amount of interest accruing and to accrue in each year upon the amount of the total cost of such improvement not specially assessed upon the lands, or upon the owner or owners of the lands, benefited by said improvement, whenever the same or any part thereof be in the form of permanent or temporary obligations, together with at least one per centum of the principal of said obligations; the amount raised in each year on account of the principal of said obligations to be deposited and held by the sinking fund commissioners, or other similar body if any, and if none, then by the legislative body of such corporation, as a sinking fund for the payment of the principal of said obligations, and to be used for no other purpose whatever; *provided, however*, that nothing in this act contained shall in any way affect or impair the provisions of the act of the legislature of New Jersey entitled "An act respect-

Amount raised on account of principal to be deposited as a sinking fund.

Proviso.

ing bonds of cities, towns, townships and other incorporated places," approved April twenty-second, eighteen hundred and seventy-six.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1878.

CHAPTER CLXXIV.

An act concerning bonds given for the payment of assessments in cities.

City treasurer authorized to receive in payment of bond given for assessments the principal with interest at seven per cent. from date of bond.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where, in lieu of cash payment of assessment or assessments for any street or public improvements, a bond or bonds shall have been or may hereafter be given by the owner of any property assessed, payable to the city treasurer of such city, conditioned alone or among other things for the payment of any such assessment or part of such assessment, with interest at any rate exceeding the rate of seven per centum per annum, it shall be lawful for the city treasurer of such city, with the consent of the mayor and board of council of such city, to receive in full payment of such bond the principal thereof, with interest at and after the rate of seven per centum per annum from the date of the bond, notwithstanding any breach of the condition of any such bond, or any provision in said bond, or of any statute to the contrary; *provided*, that where such bonds are pledged to commissioners of the sinking fund of any city for the benefit of a sinking fund, it shall not be lawful to take payment of a rate of interest less than the amount provided for in the bonds without a resolution adopted by such commissioners, prescribing a general and uniform reduction of the rate of interest on said bonds.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1878.

CHAPTER CC.

An act affecting the government of cities in this state as to certain of their internal affairs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city to whom is committed the management of police matters, shall have power, whenever the public interests require it to be done, to lease station houses in said city for a period not exceeding five years; *provided*, the mayor of said city and the board having control of the finances of such city, shall approve of the terms of such lease. Power to lease station houses. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCXV.

An act in relation to cities.

Authorized to increase rate of taxation for municipal purpose to one and one half per cent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state of less than one hundred thousand and more than fifteen thousand inhabitants, by the last state census, whose charters prescribe that the rate of taxation for municipal purposes shall not exceed one hundred cents on one hundred dollars, the common council or other municipal body shall have the power, by ordinance, duly passed and approved by the mayor, to direct and require a rate of taxation for said municipal purposes equal to and not exceeding one and one half per centum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCXXII.

An act to grant power to the city council of cities to regulate and control by ordinance the erecting and repairing partition fences in cities.

City council may make and repeal ordinances relating to partition fences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That power and authority is hereby granted to the city council of any city of this state to pass, alter and repeal ordinances regulating the building, erecting and repairing of partition fences within said city, prescribing the notice to be given and manner of proceeding to make each land owner liable for one half of the cost and expense of building a line or partition fence between the lands of such person or corporation and that of any other person or corporation, and such sum may be recovered by action of debt or in attachment in any court having jurisdiction of such sum by the person incurring such cost and expense in accordance with the provisions of any such ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCXXXII.

An act respecting assessments for constructing sewers or continuations of sewers running through adjoining cities.

Assessments for costs and expenses of sewer or continuation of sewer, &c., to be made upon the land and real estate benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses incurred in the construction of any sewer or continuation of any sewer running through two adjoining cities in this state, and which may have been or may hereafter be built and constructed under the direction of commissioners appointed for that purpose under and pursuant to the provisions of any law of this state, the commissioners, freeholders, city surveyor, or other person or persons appointed or to be appointed under any law, and who are or may be authorized by law to make an assessment for such improvements, shall in all such cases in and for which such commissioners of assessments, freeholders, city surveyor, or other person or persons are or may be lawfully appointed to make assessments, assess the costs and expenses of such sewer or continuation of such sewer or sewer improvements upon the land and real estate benefited by such improvement and in proportion to the benefits thereby received, in making which said assessments hereby authorized for such sewer improvements in any cities of this state the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel of land shall be assessed more than it is benefited; *provided*, that if the total cost and expense of such improvement exceeds the aggregate amount of assessable benefits, then only so much of said cost and expense as

Proviso.

equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne by the cities at large, in which such sewer or continuation of such sewer may be built, one half of which remainder shall be borne and paid by each of such cities, and the same shall be assessed, levied and raised by general taxation upon all the taxable property in such cities respectively, in the same manner that taxes in such cities respectively for other city purposes are assessed, levied, raised and collected.

2. *And be it enacted*, That all general, public, special and local acts inconsistent with this act, be and the same are hereby repealed; and that this act shall be a general public act, and shall take effect immediately. Repealer.

Approved April 5, 1878.

CHAPTER CCXXXV.

A further supplement to an act entitled "An act to regulate elections," approved April eighteenth, eighteen hundred and seventy-six.

Wards to be divided into election district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any ward or any election district in any ward shall be cut by the line or lines of one or more assembly districts, so that such ward shall not be wholly within the lines of one assembly district, that in every such case it shall be the duty of, and the board of aldermen are hereby required to forthwith divide such ward into election districts, so that each election district in such ward shall be wholly within such ward, and wholly within one assembly district; and such division shall be made notwithstanding the result of such division is to make election districts that shall contain less than six hundred voters each; and in any division thereafter of such ward into election districts, such division shall be made in the above way and manner, and no other; *provided, however*, that if the division hereby provided for shall leave a portion of a ward containing more than six hundred voters, the same shall be divided into election districts in the manner now required by law.

Proviso.

Appointment of election officers.

2. *And be it enacted*, That the board of aldermen are hereby required, whenever such division shall be made as required by this act, to appoint, in time for the next general election or next municipal election next thereafter, two inspectors and one judge of election and one clerk of elections for each of said districts so set-off, who shall be residents of the election districts in which they are appointed, and who shall serve until their successors are elected; the said inspectors so to

be appointed shall not belong to the same political party; the board of aldermen are also hereby required, within the time aforesaid, to establish a polling place in and for every election district.

All general and municipal elections to be held in districts.

3. *And be it enacted*, That all general elections and all municipal or other elections that may hereafter take place in any such ward, after such division of the same into election districts as provided in this act, shall be held in such election districts created under this act, and not otherwise.

How construed

4. *And be it enacted*, That for the purpose of this act the term ward shall be construed to include 'aldermanic district," "town" and "township," and the term board of aldermen shall be construed to include a "council," "common council," "township committee," and any similar body by whatever name designated.

Approved April 5, 1878.

CHAPTER CCLIX.

A further supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

May borrow money to fund floating indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city within this state, by and through its common council or other legislative body, or its board of finance or finance department, from time to time, to borrow money for the use of such city to such aggregate amount as shall be sufficient to pay and fund such of the unfunded or floating indebtedness of such city, at the time of the approval of this act, as has arisen from losses occuring upon the previous refunding of bonds of such city, or from improvements paid for by such city, and for which assessments cannot legally be made, or from deficiencies upon re-assessments made for improvements paid for by such city, and also the amount to fall due on all bonds of such city becoming due and payable within two years next succeeding the time of approval of this act, which aggregate amount shall be ascertained by such finance department in all cases where the same exists, and the disbursing officers of such city where such does not exist, and to issue the bonds of such city therefor, in the form and by the authority now prescribed in any such city, by any general or special law of this state, which bonds may be either registered or coupon bonds, or both, as may be determined by such finance department in all cities where such exists, and by the legislative body thereof in all cities where such finance department does not exist, such bonds to bear interest at a rate not exceeding seven per centum per annum, payable in not less than ten nor more than

May issue bonds.

Rate of interest.

thirty years from date, as such finance department where it exists, and such legislative body where it does not exist, shall determine, which bonds shall be denominated "funded debt bonds"; *provided, nevertheless,* that such bonds shall not be sold for a less per centum of their par value than shall be determined by such board of finance where the same exists, or such legislative body where such finance department does not exist. Proviso.

2. *And be it enacted,* That nothing in this act shall be construed as permitting the issue of bonds in any city of this state, the charter or supplements of which now limits the amount of the debt of such city. Act, how construed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCLXI.

An act authorizing the issue of bonds in anticipation of the collection of assessments.

Loans in anticipation of collection of assessments authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city, town or township within this state, in any county having more than seventy-five thousand inhabitants by the last census, by and through the board of aldermen, common council or township committee of any such city, town or township, to provide for the raising and borrowing of money in anticipation of the collection of assessments for benefits for street or sewer improvement in any such city, town or township, either by temporary loans or by the issue of bonds, not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor under the corporate seal of such city, town or township, to be signed by the mayor of such city, or chairman of such town committee, which bonds shall have coupons attached for every half year's interest due, which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made or caused to be made by the said mayor or chairman of said city, town or township in a book to be provided for that purpose.

May issue bonds.

How executed.

Denomination of bonds.

2. *And be it enacted*, That such bonds shall be issued in such sum or sums as the board of aldermen, common council or township committee shall by ordinance or resolution determine, which bonds shall be of the denomination of not less than fifty dollars or more than

one thousand dollars, and shall bear interest at the rate of six per centum per annum, payable semi-annually; *provided, however*, that the whole amount of such bonds shall not exceed ninety-five per centum of the whole cost of such improvement, and shall not exceed the amount of such assessment; *and provided further*, that said bonds shall not be sold for less than ninety-eight per centum of their par value.

Rate of interest.
Proviso.
Proviso.

3. *And be it enacted*, That such bonds shall only be issued by such city, town or township, upon application, in writing, by two thirds of the resident owners of the property lying within the assessment area, to the said board of aldermen, common council or township committee for that purpose.

When bonds can be issued.

4. *And be it enacted*, That all moneys received as principal and interest on account of said assessments, for which said bonds shall be issued by the provisions of this act, are hereby pledged and appropriated to the sinking fund of such city, town or township, for the payment of the principal and interest of the bonds hereby authorized to be issued.

Money received on account of assessments, how applied.

5. *And be it enacted*, That the said board of aldermen common council or township committee of any such city, town or township authorizing the issue of bonds as aforesaid, shall immediately provide a sinking fund for the purposes as directed in the preceding section; *provided*, that where there are commissioners of the sinking fund of any city, such sinking fund shall be under their management and control.

Sinking fund to be provided.
Proviso.

6. *And be it enacted*, That the board of aldermen, common council or township committee, when application may be made as aforesaid, shall by ordinance or resolution provide for the payment of the said assessment in as many equal annual instalments as the said bonds shall be allowed to run, with interest at the rate of eight per centum per annum on said instalments, payable semi-annually, and the annual instalments and

May provide for payment of assessments in equal annual instalments.

interest shall by the said owner or owners be paid to the treasurer of such city or township, or to the person or persons authorized by law to receive the same, and shall by him or them be placed to the credit of the sinking fund aforesaid; and in case the said instalment or interest, or any instalment or interest, shall not be paid by the owner or owners of any lands lying within the assessment area aforesaid on any day whereon the same is made due and payable by said ordinance or resolution, then the said land and real estate may be sold for the amount of said assessment, or such part thereof as may remain unpaid, with interest, costs and expenses, according to the charter of the city, town or township, or the statute regulating the same, and the amount due thereon placed in the sinking fund for the redemption of the bonds aforesaid; if no one bids at such sale, the treasurer of the city or township shall buy in said land and real estate for the benefit of such city or township, as the case may be.

Land, &c., may be sold on failure to pay any instalment or interest.

Act, how construed.

7. *And be it enacted*, That nothing in this act shall be construed as giving authority for the issue of bonds by any city the debt of which is now limited by law, and that this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCLXV.

An act to authorize the laying out of an avenue in each city of this state not exceeding eighty feet wide, as provided in this act.

Municipal board authorized to lay out avenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city having power to lay out and open streets, shall have power hereafter to lay out and open one avenue in such city not exceeding eighty feet in width, without compliance with any of the provisions in the charter of any city, and only upon compliance with the provisions of this act; *provided*, that the provisions of this act shall not apply to any city of this state having a population of more than one hundred and seventeen thousand or less than fifteen thousand by last United States census.

Proviso.

When to be laid out.

2. *And be it enacted*, That such avenue shall only be laid out when it is to connect some avenue or street already laid out in said city with a street or avenue in an adjoining city; *provided*, that the provisions of this act shall not be construed to apply to any lands lying under water, nor to any grants or conveyances or leases made by the riparian commissioners.

Proviso.

Petition for improvement, by whom signed.

3. *And be it enacted*, That there shall be a petition for such improvement signed by twenty or more freeholders of such city, owning in the aggregate property in such city to the amount of not less than one hundred thousand dollars; that if upon the presentation of such petition, such municipal board shall order the improvement to be made, it shall be made forthwith; the said board shall cause an estimate of the amount of the work to be done and the materials to be furnished to be made and advertise for bids to do said work, and award the contract thereof to the lowest bidder, but may reject

Advertisement for bids.

any or all bids or repeal on failure of the contractor to give such bond or security as they may deem proper to secure the city.

May borrow such sum as shall be necessary to pay for awards for lands, &c.

4. *And be it enacted*, That the municipal board having control of the finances of such city shall borrow a temporary loan or by bond, to run twenty years, either registered or coupon, such sum as shall be necessary from time to time to pay for awards for land to be taken and the expenses of such improvement, and these bonds shall be in such sum and in such form as said board may determine; they shall bear legal interest and be sold at not less than par, and shall be signed by the mayor and city clerk, with the seal of the city; the principal and interest of said bonds shall be paid by said board as they fall due, by the proceeds of collections of any assessment for such improvement, and any unpaid balance of principal or interest shall be raised by temporary loan, and this loan shall be paid by general tax.

Commissioners of assessment shall ascertain the proper awards to be made for land taken.

5. *And be it enacted*, That when said board shall order said improvement to be made it shall refer the matter to commissioners of assessment to be appointed by said board, who shall ascertain the proper awards to be made for land taken, and such commissioners shall give notice by advertisement at least one week in one newspaper published in such city, (or if none is published in said city, then by a newspaper published in the county where such city is situate) to be designated by said board for a hearing of all parties interested, and after such hearing they shall award to the owners of land taken such sums as shall be just for their land taken by said improvement; and they shall make a report and accompany it by a map showing each parcel of land taken by the improvement and the owner's names thereof as far as they can ascertain the same; the awards of the commissioners, if confirmed by said municipal board, shall be paid by the treasurer of said city out of the proceeds of the lands hereinbefore mentioned in this act.

6. *And be it enacted*, That when said improvement shall have been completed and accepted by said municipal board, it shall again be referred to commissioners of assessment appointed by said board, who shall assess all the property benefited (and no more,) the amount of the special benefits such property shall have received from such improvement, and shall assess upon the several lots or parcels of land the amount of benefit each shall have received by such improvement, and no more, and in no case shall the benefit be deemed to exceed more than one half of the cost of the improvement; all of the cost and expense of the improvement in excess of the amount assessed as aforesaid shall be paid by the city at large by tax, and five per centum of said assessment shall be collected yearly.

Proceedings, when improvement shall be completed and accepted.

Amount of assessment to be collected yearly.

7. *And be it enacted*, That such improvement shall be made by macadamizing, not exceeding twenty-four feet in width, the roadway of such avenue, and the cost of such macadamizing shall not exceed three dollars per square yard, the said municipal board shall appoint some discreet surveyor to carry out and superintend said improvement.

Improvement, how made.

Superintendent.

8. *And be it enacted*, That in laying out and opening such an avenue as provided for in this act, said board may use any street, road, plank road or avenue or part thereof and widen the same if necessary; *provided*, however, that the provisions of this act shall not apply to any county or counties in this state having less than one hundred thousand inhabitants.

May use any street, road, &c.

Proviso.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CCLXVI.

A further act concerning cities.

Street improvement bonds, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the authority has been heretofore conferred upon the municipal corporation of any city to pay for street improvements by the issue of bonds, such municipal corporation may, at its discretion, pay for such street improvements out of the moneys appropriated for the usual and regular expenses of the street department of such city; and it shall be lawful for such corporation to contract for the repairing, macadamizing or paving of any street or streets, anything in the charter of such city to the contrary not with standing, and the contracts for such work shall be advertised for and awarded in the same manner that contracts for other work are advertised for and awarded in such city, pursuant to the charter thereof.

Contracts for repairing streets, &c.

When to take effect.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that the provisions of this act shall not apply to any city which by the latest state census contained less than thirty-five thousand inhabitants.

Approved April 5, 1878.

CHAPTER I.

A supplement to an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven, which reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose, which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination, of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township

and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half years interest until due; which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose," be amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by any incorporated city, town or township in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee or board of finance and taxation of any such city, town or township, may renew ninety-six and two

Per centum of indebtedness that may be renewed.

thirds per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw

Rate of interest.

such rate of interest, not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township, shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and

How executed.

shall be executed under the corporate seal of said city town or township, and the signature of the mayor, comptroller, chairman of the township committee, or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder; which

coupons, if attached, shall be signed by the said mayor, comptroller, chairman or other proper financial officer, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing, and the time of payment, shall be made by the said mayor, comptroller, chairman, or other proper financial officer of said city, town or township, in a book to be provided for that purpose; *provided*, this act shall only apply to bonds for which no sinking fund has heretofore been provided, and that hereafter on all such bonds reissued under the provisions of this act a sinking fund of not less than three per cent. per annum together with the interest on such bonds shall be raised in the annual tax levy of such cities. Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 29, 1879.

CHAPTER XII.

An act to authorizing the incorporates cities, towns and townships of this state to renew matured and maturing bonds.

Per centum of indebtedness that may be renewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That whenever any bonds heretofore legally issued by any incorporated city, town or township in this state under the authority of law are now due and unpaid, or shall hereafter become due, the board of aldermen or common council or township committee or board of finance and taxation of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof, by the issuing of the bonds of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums as the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township shall by ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than ten thousand dollars, and shall be executed under the corporate seal of said city, town or township and the signature of the mayor, comptroller, chairman of the township committee or other proper financial officer thereof, and shall have coupons attached for every half year's interest until due, or may be registered, at the option of the holder, which coupons, if attached, shall be signed by the said mayor, comp-

Bonds, how executed.

troller, chairman or other proper financial officer and numbered to correspond with the bond to which they shall respectively be attached; and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment shall be made by the said mayor, comptroller, chairman or other proper financial officer of said city, town or township in a book to be provided for that purpose; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity it shall be the duty of the board of aldermen, common council, township committee or board of finance and taxation of any such city, town or township to establish a sinking fund, which shall be created either by a special tax of not less than three per centum on the issue herein provided for, to be raised in the annual tax levy or from collections of assessments for improvements in cases where the bonds hereby authorized to be reissued were originally issued to pay for street and sewer improvements in any such city, town or township, or both, at the option of the governing body thereof. Proviso

2. *And be it enacted*, That the interest on the bonds hereby authorized to be issued shall be raised and paid by a special tax annually levied and collected as other city, town and township taxes are now or may be hereafter levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee or board of finance and taxation of any said city, town or township, may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value, and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds. Interest shall be raised and paid by a special tax annually levied and collected. Bonds not to be sold at less than their par value.

Repealer.

3. *And be it enacted*, That any act or acts or parts thereof inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved February 18, 1879.

CHAPTER XV.

An act to provide for the summary investigation of county and municipal expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any county in this state shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such county are being or have been unlawfully or corruptly expended it shall be the duty of such justice upon ten days notice to the disbursing officer and the legislative body of such village, borough, town, city or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditures may have been investigated.

Justice of supreme court to cause summary investigation to be made.

Penalty for refusal or failure to obey orders of court.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1879.

CHAPTER XXXIV.

An act entitled "An act to regulate the election of judges, inspectors and clerks of elections in cities, towns and townships."

Member of police force not to be an election officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall, hereafter, be unlawful for any member of the regular police force in any city, town, or township of this state to hold the office of judge, inspector or clerk at any general or special election in this state.

Offices of judge, inspector or clerk declared vacant.

Vacancy, how filled.

2. *And be it enacted*, That if any such person, a member of the regular police force in any city, town or township of this state now holds by election or appointment any such office of judge, inspector or clerk of elections, the same is hereby declared vacant; and that any vacancy caused by the provisions of this act shall be filled on the morning of election by the qualified voters assembled at such time and polling places where the said vacancies may exist; and the person or persons receiving the largest number of votes for any office so made vacant, shall be declared elected to the same.

Judge of election to fill vacancies.

3. *And be it enacted*, That the inspector of election, who was elected at the last annual charter election and qualified as such, shall act as judge of the election to fill all vacancies occurring by virtue of the proceedings of this act, and a true statement of the result of such election shall be made under oath by said inspector to the clerk of the city, town or township where such election occurs, who shall file the same in his office as an official paper.

Provisions of act to apply to judge, inspector or clerk selected from police force.

4. *And be it enacted*, That the provisions of this act, shall not interfere with those of any previous act, except as refers to any member of a regular police force in this

state, who now holds or might hereafter be elected to the office of judge, inspector or clerk of elections.

5. *And be it enacted,* That all laws or parts of laws inconsistent with any provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately. Repealer.

Approved February 26, 1879.

CHAPTER LXXXVI.

A supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water" approved April twenty-first, one thousand eight hundred and seventy-six.

Assessment for use of water to be a lien on property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state having more than ten thousand inhabitants, wherein water works are or may be owned by the city, and controlled directly or indirectly by the city authorities, all assessments by what ever name designated for the use and supply of water furnished to the occupant or owner of any property, may be charged either against the said occupant or the said owner, at the option of the commissioners or other officials whose duty it shall be to lay such assessments; and, in either case, they shall be and remain a lien upon said property until they shall have been fully paid.

Repealer.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved March 13, 1879.

CHAPTER XCI.

An act for the government of cities.

Authorized to sell and convey land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having vacant corners at the intersection of any of the streets, the titles to which land is in the said city or cities, or in the inhabitants thereof, by virtue of will or grant, the city council or board of aldermen of such city or cities, by a two-thirds vote thereof, shall be authorized to sell and convey the same in fee; *provided*, that no sale thereof shall be made without the written consent of the owners of lots fronting on said vacant corners.

Proviso.

Money to be paid into city treasury.

2. *And be it enacted*, That all moneys received from the sale of said vacant corners shall be paid into the treasury of the said city where said vacant lots are situate.

Not to apply to certain cities.

3. *And be it enacted*, That the provisions of this act shall not apply to cities of this state having, by the last state census, a population exceeding fifty thousand, and that this act shall take effect immediately.

Approved March 13, 1879.

CHAPTER CII.

An act concerning cities.

Powers of common council or board of aldermen

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state, shall have power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by laws for the following purposes:

To license peddlers, hackmen, &c.

I. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, peddlers, hucksters, pawn brokers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities, and to fix the rates of compensation to be allowed to them and to fix the sums to be paid for such licenses to the city treasurer of any such city;

To regulate weights and measures.

II. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection; and to enforce the observance of all such ordinances and by laws, by enacting penalties for the violation thereof, either by imprisonment in the county jail or city prison, not exceeding ten days or by five not exceeding twenty-five dollars, recoverable with costs in an action of debt in the name of the treasurer of such city, before the mayor or other magistrates thereof, for the use of the said city and it shall be lawful for the mayor or other magistrate

Penalty.

of any said city before whom any such judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment under his hand and seal directed to the keeper of the county jail or city prison.

Appointment of sealer of weights and measures.

2. *And be it enacted,* That the common council or board of aldermen of any city of this state may hereafter annually appoint, by a majority of the votes of all its members a sealer of weights and measures for said city, who shall hold his office for one year unless sooner removed and until his successor shall be appointed and qualified, and who shall possess the powers and be subject to the obligations conferred and imposed on him by law or by the ordinances, by-laws, rules and regulations of the common council or board of aldermen of such city, and on application for that purpose the superintendent of weights and measures of this state, shall allow and assist any such sealer of weights and measures to compare and adjust the standard of weights and measures for said city and shall certify and seal the same in the manner required by law; *provided*, that nothing in this act contained shall in any way affect any like powers heretofore granted to the common council or board of aldermen of any city of this state.

Proviso.

3. *And be it enacted,* That this act shall be a public act, and shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXVII.

An act to enable cities to create and maintain a sinking fund for the redemption of their bonded indebtedness.

Authorized to establish a sinking fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this state, having a population less than one hundred thousand inhabitants, by resolution of the common council thereof, at any time hereafter, to establish a sinking fund for the cancellation of its bonds, and from time to time to fix the rate to be annually assessed therefor; *provided, however*, that the rate to be so assessed for the said purpose shall not in any case exceed one quarter of one per centum of the valuation of real and personal estate for general taxation.

Proviso.

Justice of the supreme court to appoint commissioner of sinking fund.

2. *And be it enacted*, That on application by, or on behalf of the common council of any city in this state, which may pass such resolution as aforesaid, the supreme court of this state, or any justice thereof, shall appoint under his hand, some proper person, to be styled "commissioner of sinking fund," who shall have the management of the sinking fund of such city, and the said court or justice shall also, thereupon, fix the yearly compensation of such commissioner, which shall include and cover all the expenses of the said office; and shall also determine the amount in which such commissioner shall give bond, and the number of his sureties; and the said commissioner, before entering upon the duties of his said office, shall execute a bond to such city, in the corporate name thereof, in such amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties

Compensation of commissioner.

Shall give bond.

of his said office, which said bond shall be approved by the said supreme court, or justice thereof.

Term of office and place of residence of commissioners.

3. *And be it enacted*, That the said commissioner shall reside in the city for which he may be appointed during his whole term of office, which shall be five years, and until a successor shall be appointed; but in case of death, removal from the said city, or other disability, a successor shall be immediately appointed as aforesaid, for the term of five years, who shall give bond as aforesaid.

Assessment to form a part of the general tax levy of the city.

4. *And be it enacted*, That when, at any time hereafter, any city in this state shall, by resolution of the common council thereof, determine to assess a certain annual rate for the purpose mentioned in the first section of this act, not exceeding the rate therein mentioned, and shall have procured to be appointed a commissioner in the manner indicated in this act, and the said commissioner shall have given bond, and the same shall have been approved as aforesaid, such assessment shall be added to and levied, and raised with and in the same manner as the general tax levy of such city, and form a part thereof, and the money so raised shall be paid into the hands of such commissioner as, and when, and as soon as the same shall be collected by the collector of taxes (in the ratio that the amount received shall bear to the amount levied), for the purpose of establishing a sinking fund for the payment and cancellation of the bonds of such city.

Investment of moneys by commissioner.

5. *And be it enacted*, That all moneys received by such commissioner as aforesaid, shall be invested by him, as such commissioner, for the benefit of the said sinking fund, within three months after the receipt thereof;

I. In the bonds of such city, when they can be purchased at a rate satisfactory to such commissioner, and the mayor and treasurer of such city.

II. In the bonds of the United States.

III. In bonds of any county of this state, when they

can be purchased at a rate satisfactory to such commissioner, mayor and treasurer as aforesaid.

Redemption and cancellation of bonds.

6. *And be it enacted*, That all the bonds of such city, the redemption whereof shall not be otherwise provided for, shall be redeemed, paid and cancelled by the means aforesaid, as rapidly as possible; and as soon as the same shall be paid and cancelled, all compensation to such commissioner shall cease, notwithstanding that his term of office may not then have expired.

Semi-annual reports to be made.

7. *And be it enacted*, That such commissioner shall report in writing under his hand to the said common council, every six months, all the transactions of his said office during the preceeding six months, and that the finance committee of the said common council shall, at all reasonable times, have the right to inspect the books, papers, vouchers and transactions of such commissioner's office.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXI.

An act for the improvement of the sanitary condition of cities.

Board of health to view district said to have insufficient drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed by at least twenty-five freeholders, residents of any particular city in this state, situated in any county of this state having a county board of health, stating that any particular place or district in such city is in a condition detrimental to the public health of such city or any part thereof by reason of insufficient drainage, it shall be the duty of such board of health, to forthwith appoint a time and place to meet for the purpose of viewing the district said to be insufficiently drained, at which time and place so appointed said board shall meet and proceed to the place or district designated in such petition, and carefully to inspect and examine the same.

Board of health to make certificate to mayor and council.

2. *And be it enacted*, That if the board of health, or a majority of the members thereof, are of opinion, that the place or district by them viewed and inspected, pursuant to the provisions of the first section of this act, is in a condition which is detrimental to the public health by reason of insufficient drainage, and that it is advisable and proper that the same should be drained, they shall so certify to the mayor and council, the mayor and aldermen, or other governing body of the city wherein such insufficiently drained place or district is situate.

Common council to direct plans and specifications to be made for the building of sewers, &c.

3. *And be it enacted*, That upon receiving the certificate of the board of health, that any particular place or district is in a condition detrimental to the public health by reason of insufficient drainage, and that it is advisable

and proper that the same should be drained, the corporate authorities of the city in which such place or district requiring to be drained is situated may appoint a competent civil engineer or engineers to make plans and specifications for the building of a sewer or sewers, the erection and construction of pumps, dykes, dams, tidebanks, and such other works as may be necessary to secure a sufficient and proper drainage of the place or district requiring to be drained.

Duty of the corporate authorities on receiving the report of the civil engineer.

4. *And be it enacted*, That upon receiving the report of the civil engineer or engineers appointed pursuant to the preceeding section of this act, the corporate authorities of such city may by ordinance, authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tidebanks and such other works as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

Contracts, how awarded.

5. *And be it enacted*, That the corporate authorities of such city, in case they decide to do the work, shall advertise for proposals for doing and constructing said works, and shall award the contract or contracts to the lowest bidder or bidders therefor, in the same manner as they advertise for proposals and award contracts for other public improvements in such city.

Certificates of indebtedness may be issued

6. *And be it enacted*, That such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay such contractor or contractors, by issuing and selling registered or coupon bonds, pledging the property and credit of such city for the payment thereof, payable in not less than two nor more than five years from the date thereof, with interest at the rate of not more than six per centum, per annum ; *provided*, the sale of such bonds shall be advertised for at least ten days in the official paper or papers of such city, such other papers as the mayor and council of said city shall direct, and shall be sold to the highest bidder or bidders

Sale of bonds authorized.

Proviso.

therefore; *and provided further*, that no more bonds shall be issued and sold than are necessary to raise sufficient money to complete such sewer or sewers, and other works necessary to secure the drainage provided for by this act. Proviso.

7. *And be it enacted*, That the costs and expense of constructing such sewer or sewers, pumps, dykes, dams, tidebanks and such other works as may be deemed necessary for the purpose aforesaid, shall be assessed upon the real estate specially benefited thereby, in proportion to the benefit received; and that any moneys which may be collected from assessments for any improvements made under the provisions of this act shall constitute a sinking fund, and be inviolably applied to the payment of such bonds or improvement certificates as may have been issued for the payment of said improvement. Costs and expense to be assessed upon real estate benefited.

8. *And be it enacted*, That such assessment shall be made and collected in the same manner as assessments are made for the construction of sewers in other cases in such city. Assessment, how made and collected.

9. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection and construction of such other works as are deemed necessary for the purpose aforesaid, shall exceed the benefit to lands specially benefited thereby, such excess of costs and expenses shall be raised by general taxation, to be assessed, levied and collected in the same manner as taxes for other city purposes are assessed, levied and collected. Excess of costs and expenses, how raised.

10. *And be it enacted*, That in case it is necessary to erect pumps or other works which will require to be operated by steam power or by other artifical means, requiring an annual expenditure of money to operate the same, it shall be the duty of the inhabitants of such city, or of the board of tax commissioners, the board of works, or other body having authority to make appro- Annual appropriation to be made.

priations of money to be raised by taxation, to appropriate and cause to be raised annually by taxation, a sufficient sum of money to run and operate such pump or pumps or other works, for the purpose of securing a proper drainage of the place or district required to be drained.

Appointment of engineer or engineers, &c.

11 *And be it enacted*, That the corporate authorities of such city in which such drainage works shall be erected, shall have power to appoint an engineer or engineers and such other servants and workmen as may be necessary to operate the same, and to fix the compensation to be paid to them respectively.

Bonds not to issue in excess of limit provided by charter.

12. *And be it enacted*, That no city shall issue bonds in excess of the limit provided by its charter or the several amendments of the same; *and provided further*, that any issue of bonds under this act shall not increase the total indebtedness of any such city to an amount exceeding eight per centum of the assessed valuation of the taxable property of such city.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXX.

An act to regulate the taxing and assessing of lands heretofore sold, or which may hereafter be sold in any city, incorporated town or township of this state, for non-payment of taxes, assessments or water rents, and which lands may have been or may hereafter be purchased by said city, town or township, or by any person in its behalf.

Taxes, assessments and water rents to be continued upon lands or real estate in the hands of the city, town or township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city, incorporated town or township of this state, in which lands or real estate have been heretofore sold, or shall be hereafter sold, for non-payment of taxes, assessments, or water rents, and purchased by such city, town or township, or by any person in its behalf, subject to the right of redemption provided for by law, the taxes, assessments and water rents shall continue to be assessed upon said lands or real estate in the hands of such city, town or township, or the person holding in its behalf; but it shall not be necessary to advertise said lands for sale for non-payment of any such tax, assessment or water rent, now laid or hereafter to be laid, or to sell said lands or real estate therefor, and said taxes, assessments, and water rents with interest at ten per centum per annum, unless such interest shall be fixed by such city at a rate not less than six nor more than ten per centum, shall be and remain a first lien upon said lands or real estate, and shall be paid to such city before said lands or real estate can be redeemed.

Power to sell lands or real estate.

2. *And be it enacted*, That any such city, town or township shall have power to sell said lands, or real estate, and to direct the transfer of the declaration of sale now authorized by law to be issued, subject to the

right of redemption provided for by law, to any person paying the amount of the taxes, assessments or water rents for which said lands or real estate may have been sold, and the subsequent taxes, assessments, or water rents, assessed and made a lien pursuant to the provisions of this act, and after the expiration of the time for redemption and the giving of the notices required by law to be given to any mortgagee or other person such sale or transfer shall vest in such purchaser all the estate which such city, town or township, or the person holding in its behalf may have in said lands or real estate.

Fees not allowed.

3. *And be it enacted*, That no fees shall be allowed to, or paid to any official for any services connected with the assessing or collecting of any such tax assessment or water rent.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CLXXXI.

An act to authorize incorporated cities in the state of New Jersey to adjust and compromise past due taxes.

Preamble. WHEREAS, certain taxes heretofore levied within cities in this state have been illegally assessed or made.

Proceedings for adjusting past due taxes. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed to examine, revise, alter, adjust and compromise all or any such past due taxes, in said cities respectively, the justness and legality of which may be disputed by any person or persons, or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council, and in all cases the final action of such committee, board of finance and taxation, or commissioners, upon any case arising under this act, shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities, respectively.

Proviso.

Proceedings in case any person or persons or corporation is aggrieved. 2. *And be it enacted*, That any person or persons or corporation, separately or collectively aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax

exists, a petition, therein stating his or their objections to the same, and praying relief, and upon so presenting such petition, the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or any committee therein duly appointed by resolution of said board of aldermen or common council, or board of finance and taxaction, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just, and that every such past due tax which shall be so revised, altered, adjusted and compromised, shall be final and conclusive between every such person or persons or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

Proceedings shall be signed by presiding officer.

3. *And be it enacted.* That the proceedings of every of the said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision, and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively; *provided, however,* that any person or persons or corporation desiring to have the benefit of this act, shall file his or

Proviso.

their petition or petitions therefor within twelve months from the date of the passage of this act; *provided, however,* that nothing in this act shall be held to alter, or affect the rights or remedies, at law or in equity, of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected; *provided, however,* that this act shall not apply to cities containing less than thirty thousand nor more than one hundred thousand inhabitants; *and provided further,* that the provisions of this act shall not apply to any tax assessed for the year one thousand eight hundred and seventy-eight. Proviso. Proviso. Proviso.

4. *And be it enacted,* That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER CCII.

An act in relation to the lighting of streets and public places in certain townships and cities.

Common council or township committee authorized to cause any street or streets to be lighted with gas, or otherwise.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the streets or any of them, in any city or township of the said state, have been or are lighted with gas or oil, under or in pursuance of any authority conferred by the legislature upon such city or township, it shall hereafter be lawful for the common council or township committee of any such city or township, by resolution or ordinance, and from time to time to order and cause any street or streets, and any public place or places or any part or parts thereof, in any such city or township, to be lighted with gas or otherwise, and for that purpose to erect and maintain or cause to be erected and maintained all necessary and proper posts, lanterns and fixtures, and to make and enter into any contract or contracts in relation to the same; and to cause the annual expense thereof, after being ascertained and determined by a resolution of said common council or township committee, to be certified by the city or township clerk unto the assessor or assessors of said city or township; and that such annual expense shall thereupon be levied, assessed and collected from all the real and personal property in the said city or township respectively, in the same manner, at the same time, and under the same penalties (but without any extra compensation therefor,) as the taxes for the working or repairing of roads or streets in said city or township are or may be; *provided, however*, that in making such assessment of the tax hereby authorized, the said assessor or assessors shall not be restricted or controlled in any way whatsoever, by

Proviso.

any limitation in any act of the said legislature contained, whereby the amount of any tax to be raised in such city or township is limited to a certain percentage upon the valuation of the assessed property in such city or township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1879.

CHAPTER XXX.

An act to repeal chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

CHAPTER L.

An act entitled "An act to provide for the review by the justices of the supreme court of this state of summary convictions by justices of the peace, police justices and recorders of cities in this state."

Complaint, warrant and record of proceedings in cases of convictions to be filed in the county clerk's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all justices of the peace, police justices and recorders of cities in this state, in all cases of summary convictions had before them, within three days after each and every such conviction, to file the complaint, warrant and record of the proceedings and conviction of the offender in the office of the county clerk of their respective counties, there to be and remain of record.

Justice of supreme court may review the proceedings upon application.

2. *And be it enacted*, That it shall be lawful for the justice of the supreme court holding the circuit in each of the counties of this state, upon application made to him for that purpose by any person convicted as aforesaid, who may desire to have the legality of his conviction reviewed, to order the said complaint, warrant, proceedings and record of conviction to be forthwith brought before him, that the legality of said proceedings and conviction may be reviewed and determined; and if such proceedings and conviction shall thereupon be found to be illegal, forthwith to set aside the same and to order the discharge of said offender from custody.

Offender to be discharged, if conviction found to be illegal.

Fees of justice of supreme court.

3. *And be it enacted*, That the said justice of the supreme court, for each case brought before him under the provisions of this act, shall be entittled for his services therein the sum of two dollars, to be paid by the applicant, and said fees when paid to such justice or to any clerk shall be disposed of as now required by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER LI.

A supplement to an act entitled "An act relating to re-assessments of benefits in cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act relating to re-assessments of benefits in cities," which reads as fallows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any assessment for benefits for local improvements heretofore made, or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review, the common council of said city shall ascertain and estinate the amount of the assessment or assesments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such re-assessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate, proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire; and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said

person or persons authorized to make said re-assessment shall proceed in all respects as provided in respect to the original assessment; but in making such re-assessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be re-assessed," be and is hereby amended to read as follows :

Section as amended.

Proceedings where assessments have been set aside by court of review.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvements heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of review, the common council or board of aldermen of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment and thereupon a new assessment shall be made by three commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such re-assessment the persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefits actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to aquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said persons authorized to make said re-assessment shall proceed in all respects as provided in respect to the original assessment; but in making such re-assessment any tracts of land and real estate originally assessed for the benefits of said

improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be re-assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER LVII.

An act to repeal an act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1880.

CHAPTER LXXXIII.

An act to authorize the erection of city halls in cities of this state which are not the owners of buildings used as such halls.

Mayor and common council authorized to erect a city hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state in which there is not any building, the property of such city, suitable for use as a city hall, the mayor and common council of such city are hereby authorized and empowered to erect a building suitable for use as a city hall, upon any lands owned by such city and heretofore donated and dedicated as a public square; *provided*, that in no case shall the cost of erecting and furnishing said building exceed sixty thousand dollarss.

Proviso.

The building to be erected so as to furnish accommodation for public officers of city, &c.

2. *And be it enacted*, That such mayor and common council may cause said building to be so erected as to furnish accommodation for the public officers of said city, and such regiment or company of the national guard of this state as may be organized in said city; and said building may be so erected as to furnish all apartments necessary for the police regulation of said city.

Authorized to issue bonds to certain amount &c.

3. *And be it enacted*, That to provide moneys necessary to carry this act into effect, such mayor and common council shall have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, and bearing interest at a rate, not to exceed six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXVII.

An act authorizing the incorporated cities and towns of the state to pay their firemen and policemen, disabled while in the discharge of their public duties, a reasonable compensation during the time they are so disabled.

Compensation to disabled firemen, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any firemen or policemen of any incorporated city or town of this state is disabled while in the discharge of his public, duties, it shall be lawful for the common council, board of aldermen, finance committee, or other governing body of such city or town, to pay such person so disabled as aforesaid, during the time he is so disabled, such compensation, including medical attendance, as said common council, board of aldermen, finance committee, or other governing body of such city or town shall deem reasonable and proper, on the certificate of a physician describing disabilities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LXXXVIII.

An act concerning cities.

City council may pass ordinances and prescribe penalties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by the provisions, of any act of incorporation of any city or any act to revise and amend the charter of any city in this state, the city council of any such city shall have authority to pass ordinances on any subject, and prescribe penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars, it shall and may be lawful for any such city council in passing an ordinance, to prescribe the maximum penalty or penalties, to be imposed either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding one hundred dollars, or both, and that the magistrate before whom such offence or offences may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LXXXIX.

An act concerning cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whereever supplies for the use of the poor of any city in this state have been furnished to and accepted by the municipal authorities of said city, the party or parties supplying the same shall be entitled to recover compensation therefor, notwithstanding the fact that such supplies were ordered and furnished in excess of any fiscal appropriation made for the benefit of the poor in said city.

Parties furnishing supplies for use of the poor may recover compensation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER CII.

An act relating to fees of police magistrates and police officers in cities.

Special police justices to receive and be allowed same fees as justices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That whenever any special police justice or magistrate in any city of this state, is now, or may hereafter be authorized and empowered to use and exercise the like power, authority and jurisdiction in criminal matters, and complaints arising in any such city, as justices of the peace in and for the several counties are or may be entitled to use and exercise, the said special police justice and police magistrate shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to justices of the peace.

Police officers allowed the same fees as constables.

2. *And be it enacted*, That whenever any police officer of any city of this state now has and possesses, or may hereafter have and posses all the powers of constables within the limits of any suih city, the said police officer shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to constables of the several counties; and the fees referred to in this and the preceding section shall be paid in the same manner, and under the same regulations as now provided for the collection of justices and constable's fees; *provided, however*, that in all cases where such police justices and policemen of any city of this state receive a fixed daily or annual compensation for their services from the city of which they are officers, the fees collected under this act shall be paid to the treasurer of such city.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CIII.

An act for the adjustment and payment of damages to owners of property caused by the alteration in grade of streets in any city of this state where the office of commissioners of streets and sewers exists.

Commissioners to determine amount of damages done to property by alteration of grade of any street and deliver certificate to owner or owners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where damage has been or may hereafter be done to any property on the line of any street in any city of this state by alteration in the grade of such street, by order of any board of commissioners of streets and sewers of such city, it shall be lawful for the said board of commissioners of streets and sewers to ascertain and determine the amount of such damages, and upon such determination to deliver a certificate thereof to the said owner or owners thereof, and upon presentation of such certificate to the common council of said city it shall be the duty of said common council to include the amount thereof in the statement of moneys to be raised by tax for the use of such city next after the time of such presentation; and such moneys shall be collected as other moneys are collected by tax, and shall be paid to the holder of such certificate by the treasurer or other disbursing officer of said city out of the moneys so collected.

Moneys to be collected by tax, and to be paid to holder of certificate.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXIII.

An act relative to interest on arrears of taxes and assessments in incorporated cities.

Unpaid taxes or assessments upon real property with interest may be paid to collector of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons heretofore laid or imposed and now remaining unpaid, together with interest thereon at seven per cent. per annum, to be calculated from the time such taxor assessment was imposed to the time of such payment, and the collector of taxes or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over six per cent. upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some

Proviso.

officer for the use of such city; nor shall any lien upon real estate for such taxes or assesments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *provided*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued. Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 10, 1880.

EDWARD RUSS,
ATTORNEY AT LAW,
21 Newark Street, HOBOKEN, N. J.

CHAPTER CXXXII.

An act authorizing the cities of this state to appropriate moneys for the celebration of the fourth of July, Washington's birth day and Decoration day.

Cities authorized to appropriate money for the celebration of certain days.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common councils, boards of aldermen, boards of finance, or other governing bodies of any city in this state, in addition to the powers conferred upon them by their respective charters, to appropriate such sums of money as they may deem expedient for the celebration of fourth of July, Washington's birth day and Decoration day in each year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXLII.

An act to establish a license and excise department in certain cities.

Cities may provide an excise department by ordinance

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state containing more than fifteen thousand inhabitants to provide by ordinance for a department to be called the license and excise department; the mayor shall be, ex-officio, the head of such department; the other members of the department shall be appointed by the mayor, with the consent of the city council, and shall hold their office for such term, and shall perform such duties, and be paid such compensation as shall be prescribed by the ordinance creating the department; such ordinances shall define and lay down rules and regulations for the granting of licenses, in respect to all subjects in which the power of licensing is determined to be exercised by said city, and shall prescribe the penalties to be inflicted for the violation of such ordinance; *provided*, that the provisions of this act shall not apply to any city in this state in which the granting of such licenses is now vested in a board of excise or excise commissioners, or to any city wherein the courts of common pleas now grant licenses.

Members of the department, how appointed and their term of office.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLVIII.

An act relative to the prosecution of persons for the violation of the ordinances of any city in this state.

Executions may issue against goods, chattels and persons of defendants, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful hereafter in any prosecutions made under any ordinance or ordinances in any city of this state, when judgment shall have been given in favor of the said city and against any defendant or defendants so had and commenced, to issue execution against the goods and chattels and persons of the defendant or defendants, including females.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXVII.

An act concerning past due assessments in certain cities of this state.

Preamble.

WHEREAS, in certain cities of this state, many of the benefit assessments for local improvements heretofore made by commissioners against the owners of lands and real estate claimed to have been specially benefited thereby, were laid upon illegal and erroneous principles and without regard to the peculiar benefit derived by reasons thereof as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; and whereas, collections thereof cannot be enforced by the corporate authorities of such cities, but such assessments are liable to be vacated by the courts; and whereas, in many instances, the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore.

Common council empowered to rebate and reduce assessments or may arbitrate assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or governing body of any city, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing to submit to, abide by, and pay

the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; and further, that such award may at any time, upon five days, notice in writing, be made a rule of the circuit court of the county wherein such city may be situate, and from and after the entry thereof, such owner or owners shall be personally liable for the payment of the amount so awarded.

On failure of council to arbitrate, owner or owners may apply to justice of supreme court for appointment of arbitrators.

2. *And be it enacted* That in case such common council or other governing body shall refuse to arbitrate such illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days, notice in writing, make app'ication to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign and award or report in writing, stating therein the amount of such peculiar benefit; the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

Arbitrators to make awards, &c.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXXVI.

A further supplement to the act entitled "An act to regulate elections approved April eighteenth, one thousand eight hundred and seventy six, respecting the dividing of wards and townships into election districts.

Boundaries of election districts may be changed, altered and readjusted, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township, or for the board of aldermen or common council of any city, at any time prior to the first day of August in any year, to change, alter and readjust the boundaries of the election districts in the township, or in any ward of the several cities of this state, and to consolidate any one district in the township or ward with any other district or part of a district therein, provided that no election district shall be thereby made to contain more than six hundred voters; and when it shall at any time become necessary by reason of an election district containing more than six hundred voters, to alter or divide the same, it shall be the duty of such township committee or common council or board of aldermen to so readjust the whole number of election districts in such township or ward as to make the several districts as nearly equal in population as possible, having reference to the geographical compactness of the several districts and to the convenience of voters.

When election district contains more than six hundred voters, may divide or alter the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXVI.

An act granting to cities an unobstructed outlet to the culverts in their streets.

Cities to have unobstructed outlet for culverts to streams.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage and approval of this act, every incorporated city in this state having streets containing culverts or other drains to tidewater, shall, upon public dedication, after the usual form of condemnation, and assessment of private property, have full and unobstructed outlet for the culverts in such streets to any contiguous streams, without amenability to the claims to said water front of the riparian commission or any laws or usages thereof.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCVI.

An act to regulate term of office in municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any municipal government in this state shall remove from any such municipality, and shall no longer be a bona fide resident therein, such removal and non-residence shall constitute a vacancy in the office held by such non-resident; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies, but this act shall not apply to the removal of any such officer form one ward to another ward of any such municipality unless otherwise provided by any special charter of any city in this state.

What constitutes a vacancy.

Vacancies, how filled.

Act not to apply.

2. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCVII.

An act relative to boards of education in cities.

President of board of education not to receive any salary or compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state where the office of president of the board of education or board of directors of education exists or is created by any general or special law, such president shall hereafter receive no salary or compensation whatever for performing the duties of such office, but nothing herein contained shall be deemed or taken to affect or take away the salary of the present incumbent of any such office.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER III.

An act to authorize cities to exchange registered for coupon or registered bonds.

WHEREAS, several of the cities of this state have heretofore issued registered bonds, which, by reason of the settlement of estates or other legal cause renders it necessary to divide, or parcel the original amount of such bonds, and because of the present law such division by exchange or surrender of the original bonds is stopped, thereby causing much inconvenience and loss; therefore,

Authorities may issue registered bonds in exchange for coupon or other bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the financial authorities of any city of this state, where coupon or registered bonds have been heretofore issued or may be hereafter issued, may upon application issue registered bonds in exchange for either coupon or registered bonds in such amounts as said authorities may in their discretion determine, and which bonds so exchanged shall be made payable at the same time and bear the same rate of interest as the bonds surrendered for exchange and which surrendered bonds shall be cancelled; *provided*, Proviso.
THAT NO AUTHORITY FOR ANY INCREASE OF INDEBTEDNESS SHALL BE INFERRED FROM THIS ACT; *and provided further*, Proviso.
THAT ANY BOND RE-ISSUED OR ISSUED IN SUBSTITUTION, UNDER THIS ACT SHALL BE SUBJECT TO ANY DEFENCE, LEGAL OR EQUITABLE, WHICH WAS OR WOULD HAVE BEEN AVAILABLE AGAINST THE BOND OR BONDS ORIGINALLY ISSUED.

Bonds issued to be registered in proper books.

2. *And be it enacted*, That the authorities issuing such registered bonds shall provide for the registration

thereof in proper books to be kept for that purpose, and for the transfer of said bonds upon said books.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER IV.

An act in relation to official bonds.

County clerks to record the official boards of officers of counties, cities, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the execution of the official bond of any officer of any county, city, incorporated town, village, borough or other municipality, or of any township in this state, shall be duly acknowledged and proven in the manner provided by law for taking the acknowledgement and proof of deeds, it shall be lawful for the clerk of the county wherein such officer resides to record such bond, with the acknowledgement and proof of the execution of the same, in a book labeled "public officers' bonds," which book shall be provided by him at the expense of the county, and shall be indexed in the names of the officers and their sureties, and of the corporations to which the bonds are respectively given; for which service the said clerk shall be entitled to demand and receive the sum of one dollar; and a copy of such record, duly certified under the hand and seal of such clerk, for the time being, shall be evidence in all courts and places the same as if the original bond were produced.

Fee for recording.

Certified copy of record to be evidence.

Certificate of the examination of accounts of officers, &c, may be filed with county clerk.

2. *And be it enacted*, That if the accounts of any such officer shall be at any time examined by the authorities of the corporation to whom his bond is given, or by the proper board, committee or officer of such corporation and shall be by such board, committee or officer, certified to be correct, and such certificate shall be duly acknowledged and proved, in the same manner as the bond, it shall be lawful for the clerk of the county to file said certificate in his office, and to note the substance thereof on the side or bottom margin of the page

containing the record of the bond, for the information of all concerned.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1881.

CHAPTER LV.

An act to authorize the erection of engine houses in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of any city in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said city, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of such land and of the erection of said building or buildings in such city shall not exceed fifteen thousand dollars.

Mayor and common council authorized to erect engine houses, &c.

Proviso.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, each mayor and common council shall have power to issue bonds of such city, to an amount not exceeding fifteen thousand dollars, having not more than twenty years to run, and bearing interest at a rate not exceeding six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

Empowered to issue bonds and to provide for their redemption.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1881.

CHAPTER LXIII.

An act providing for the sale of certain lands in cities, subject to dedication for public uses, and vesting title thereto in the purchaser.

City board may sell certain lands dedicated to public use at public auction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where land has been dedicated to public uses in any city in this state, other than for streets or parks, and is now in the possession of and being used by the city authorities of such city, that the city board having control of and using such property as aforesaid, may, without the action of any other board, at any time, when in its judgment the location where such property is situated, has or shall become unfit for the purposes for which the same is being used, sell said property at public auction, upon two weeks advertisement, to the highest bidder therefor,

Mayor to execute conveyance.

and the mayor shall execute upon behalf of the city, under its corporate seal, attested by the city clerk, a deed conveying said property to the purchaser, upon the purchase money being first paid to the city treasurer; the purchase money shall be held by the city treasurer and his successors in office to be used exclusively for the purchase of other real estate, and the erection thereon of buildings and furnishing the same for the same public uses as the property sold; the expenditure of money therefor to be by said city board making said sale.

Board may make contract with owner of fee of land.

2. *And be it enacted*. That the said city board may, in any case provided for in section one, when they deem it necessary, make a contract, upon such terms as said board shall deem just, with the owner or owners of the fee of the land desired to be sold, by which said owner or owners will execute a conveyance of said land to the

city, or to the purchaser of said land, as may be deemed best, and carry out the terms thereof; and upon such sale and such action of the owner or owners, the title of the land in fee simple so sold, shall vest in the purchaser, his heirs and assigns forever, free from any and all dedications for public uses of every kind whatever.

Title of land to vest in purchaser.

3 *And be it enacted*, That this act is a general public act and shall take effect immediately.

Approved March 3, 1881.

CHAPTER LXIV.

An act to provide for the payment of the difference between old and new assessments for improvements in cities.

Cities authorized to borrow money to pay difference between any assessment and re-assessment for improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, from time to time, to borrow money for the use of said city, in such sums as it may think best, to pay the difference between any assessment, on any real estate for any improvement in said city, and any re-assessment thereon for the same improvement when the original assessment has been vacated or set aside by a court or any city board, together with any interest or damages due or to fall due thereon; that the city, in order to procure said money, may issue bonds, payable as to principal and interest at such times and at such place and in such form as it shall deem best, and the same shall bear interest not exceeding six per centum per annum, and may be sold at not less than par; the bonds shall be signed by the mayor, sealed with the city seal and attested by the city clerk, and may be registered or coupon bonds or both, and may be convertible from one form to the other, from time to time, and in converting coupon bonds to registered bonds, one registered bond may be issued for several coupon bonds or several coupon bonds may be issued for one registered bond, as may be determined from time to time; *provided*, the issue of bonds under this act does not exceed in any city of this state the limit now provided by law.

May issue registered or coupon bonds

Proviso

Board having control of finances to have full power.

2. *And be it enacted*, That the board having the control of the finance of the city, shall have full power to act for the city under section one of this act, and to do all

things therein authorized to be done, except the signing, sealing and attesting of the bonds therein mentioned, and shall from time to time place or cause to be placed in the tax levy an amount sufficient to pay the interest on said bonds, and such per centage of the principal thereof as it may deem proper.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1881.

CAHPTER LXV.

An act authorizing the cities of this state to make limited appropriations for the publication of the minutes of the proceedings of their municipal boards.

Cities authorized to make appropriations for publication of minutes of their municipal boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with a view to the furnishing of precise and accurate public information of the proceedings of the municipal boards of the cities in this state, it shall be lawful for the board of aldermen, common council, board of finance or other governing body of any city where provision is not now made for reporting or publishing the official minutes, to appropriate annually, a sum not exceeding five hundred dollars, for the reporting and publishing during such year, of the proceedings of its different boards in the several newspapers published and circulated in such city which shall be designated for that purpose; said appropriation, if made, to be distributed in such manner as the governing body of said city shall determine.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 3, 1881.

CHAPTER C.

A supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February eighteenth, one thousand eight hundred and seventy-nine.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to provide for the summary investigation of county and municipal expenditures" approved February eighteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

Justice of supreme court to cause summary investigation to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this state, shall present to any justice of the supreme court an affidavit sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being or have been unlawfully or corruptly expended, it shall be the duty of such justice upon ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county, to make a summary investigation into the affairs of such corporation, and at his discretion he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper; it shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such

Penalty for refusal or failure to obey order of court.

investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt; the costs incurred under this act shall be taxed by said justice and paid upon his order by the disbursing officer of the corporation, whose expenditure may have been investigated.

Taxing and payment of costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1881.

CHAPTER CXVIII.

A further supplement to an act creating the office of comptroller of the treasury and defining the duties thereof, approved March seventeenth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of chosen freeholders of each county, the committeemen of each township, the mayor and common council of each city and the representative authority of each town and borough in this state, to transmit to the comptroller of the treasury on or before the first day of October in each year a statement of the financial condition of their respective counties, townships, cities, towns or boroughs, at the close of their respective fiscal years next preceding the time of making such statement; and the said statements shall set forth the amounts of the funded and floating debt, of what they are composed, the purposes for which they were contracted, the rate of interest thereon and the time when the debts fall due; the nature and condition of the sinking fund, if any; the amount of real and personal property taxable; the rate of tax levied and the amount raised, and the expenditures for the year, arranged under general heads.

2. *And be it enacted*, That it shall be the duty of the comptroller to furnish the necessary blanks to the several authorities, upon their application, for making the statements required by this act, and to lay copies of the statements received by him for each year, or abstracts thereof, before the legislature at the time of making his annual report.

3. *And be it enacted*, That if any of the said officers shall neglect or refuse to furnish or transmit the state-

ment as required in the first section of this act, the same shall be liable to indictment for such neglect or refusal, and shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars.

4. *And be it enacted*, That an act entitled "A supplement to an act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five, which supplement was approved March sixth, one thousand eight hundred and seventy-nine, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1881.

CHAPTER CXXXVII.

An act in relation to the arrears of taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any of the cities of this state taxes shall remain unpaid for the period of one year after the same shall become due and payable, said taxes may be paid in any of the municipal bonds of said city which may have been issued in anticipation of taxes; *provided*, that the bonds issued by any city in anticipation of the collection of the amount of unpaid taxes for which the city had purchased real estate at the sale for said unpaid taxes, shall only be received by any city in lieu of money payments for the taxes so purchased by any city and in anticipation of which said bonds had been issued.

Taxes unpaid for one year may be paid in bonds issued in anticipation of taxes.

Proviso.

2. *And be it enacted*, That such bonds shall be received by said city, in lieu of money payments, for said taxes at the par or face value, with the interest accrued thereon.

Bonds to be received at their face or par value.

3. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXL.

A supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act above referred to be amended so as to read as follows:

Municipal authorities to use their discretion fixing sums to be assessed upon vacant lots, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city of this state, in which the municipal or other authorities own or manage water works, and are now empowered and compelled to annually fix a sum to be assessed upon vacant lots, and lots with buildings thereon, in which water is not taken, such authorities are hereby authorized to use their discretion in each year in fixing or omitting to fix such sums to be so assessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1881.

CHAPTER CXLIII.

An act relating to the division of certain cities in this state into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities not already divided into wards may be divided into two or more wards. Cities may be divided into wards.

2. *And be it enacted*, That the common council or other governing board or body in any such city is hereby authorized and empowered to determine the number of wards into which such city shall be divided, and the boundaries of said wards, and are authorized and empowered to make such division accordingly. Common council authorized to divide city and determine boundaries of wards.

3. *And be it enacted*, That at all city or charter elections to be held in any city after a division thereof into wards as aforesaid, an equal number of the members of the common council or other governing board or body shall be electrd from each of said wards, and the residue of such board of common council or other governing board or body shall be elected at large from said city; *provided*, that the largest possible number consistent with the foregoing provisions of this section shall be elected from each of said wards; *provided further*, that where in any city affected by this act the mayor, aldermen or any other officer of said city is now ex-officio a member of the city council, the city council in apportioning the number of councilmen to each ward shall not take into consideration such ex-officio members. Equal number of members to be elected from each ward and the residue elected at large from the city. Proviso. Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 22, 1881.

CHAPTER CLII.

An act authorizing the establishment of sinking funds in cities in this state.

City council authorized by ordinance to create and regulate a sinking fund, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of any city in this state is hereby authorized and empowered by ordinance to create, establish, maintain and regulate a sinking fund in any such city, and define the powers and duties of the board or committee in charge thereof;

Proviso.

provided, that whenever any bonds shall have been issued by any city under any general law or agreement or compromise, the amount of the collections of all taxes, assessments, license fees or special sums pledged or raised for the payment of said bonds shall be applied in accordance with the laws and agreements under and in pursuance of which said bonds may have been issued, and it shall be the duty of the sinking fund commissioners of any city or those which may be appointed under the provisions of this act, to have charge of and carry out the proper disposition of said collections.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTFR CLVI.

An act concerning cities

Common council or aldermen authorized to pass, alter or repeal ordinances to compel removal of snow and ice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or board of aldermen of any city of this state shall have power to pass, alter, and repeal ordinances to compel the removal of snow and ice from the side walks and gutters of all the public streets, avenues or public places in any such city, and to prescribe penalties by fine not exceeding five dollars in each case, for any violation of any ordinance herein authorized.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1881.

CHAPTER CLIX.

An act to authorize the abatement of nuisances in cities, and to make the cost and expense of such abatement a lien upon lands wherein such nuisances existed.

Grand jury upon petition of five free holders, may investigate and make presentment to court of existence of nuisances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition, signed, by at least five freeholders, residents of any city of this state, stating that a nuisance exists upon any lots or lands within or adjacent to the boundaries of any such city, by reason of stagnant water, or because such lots or lands are not filled in sufficiently to make them dry and healthy, or because buildings are in danger of falling for want of proper foundation, shall be presented to the grand jury of the county in which such city may be situate, it shall be the duty of such grand jury to investigate the matters contained in such petition forthwith, and for that purpose such grand jury shall have power to call and examine witnesses, and to view the premises whereon such nuisance is alleged to exist; and if such grand jury shall be of the opinion that a nuisance does exist, they shall forthwith make presentment to the court of oyer and terminer of such county, that in their judgment and opinion such nuisance does exist and should be abated.

Prosecutors of pleas to apply to court for trial of matters presented.

2. *And be it enacted*, That as soon as said presentment shall have been made, it shall be the duty of the prosecutor of the pleas of such county to apply to said court of oyer and terminer to fix a time for the trial of the matters contained in such presentment, and such time having been appointed, the said prosecutor shall serve a notice upon the owner of the premises whereon such nuisance is alleged to exist, informing such owner of the time and place when and where the truth of the

matters contained in such presentment will be tried, and notifying such owners to appear and make defence; which notice shall be served personally upon such owner, if found in the state, and if not so found, then said notice shall be served in such manner as the court shall order, either by publication or personal service out of the state.

Court to award a venire to summon a jury to try cause.

3. *And be it enacted*, That said court shall also award a venire to summon a jury, as in other trials of issues in said court; and on the day fixed for trial the said matter shall be tried, unless adjourned by order of the court, whether the owner of such premises appear or not, and such trial shall be conducted in all respects as other trials by jury in said court; and the court shall have full power and authority to make all necessary orders or rules for the speedy and expeditious determination of the matters contained in such presentment.

Costs paid by petitioners if jury determine that no nuisance exists.

4. *And be it enacted*, That if such jury shall determine that no nuisance exists as set forth in such presentment, judgment shall be entered accordingly and the costs be paid by the parties petitioning, and execution may be issued therefore; but if such jury shall determine that such nuisance does exist, then the court shall give judgment against the owner of the premises whereon such nuisance is found to exist, and also that the nuisance be abated by such early day as the court shall appoint; and if it shall appear to the court by affidavit that such nuisance has not been abated by such day, then it shall be the duty of the clerk of the court to certify the judgment of the court to the municipal authorities of the city wherein such nuisance is found to be, and such authorities shall thereupon proceed to abate such nuisance in the most practical and economical manner.

Judgment to be entered against owner if nuisance is found to exist, and that same be abated, &c.

Costs and expenses of abatement to be a first lien upon the lands.

5. *And be it enacted*, That as soon as such nuisance shall have been abated, a complete statement of the cost and expenses of such abatement shall be presented

to the corporate authorities of such city, and if they approve the same such cost and expense shall thereupon become a first and paramount lien upon the lands and premises whereon such nuisance had existed, in the same manner that taxes are a lien under the charter of such city; and they shall transmit the same to the collector or receiver of the revenues of such city, who shall proceed to collect the amount of such cost and expense, as taxes and assessments for improvements are collected.

Failure to pay, lands to be sold.

6. *And be it enated*, That if such cost and expense of abatement be not paid to such collector or receiver within ninety days from the date of approval by the corporate authorities of such city, such collector or receiver shall return the same in like manner as return is made of unpaid taxes and assessments, and the corporate authorities shall thereupon direct the sale of the lands whereon such nuisance had been abated, and the clerk of such city shall thereupon proceed to advertise, and sell the same in the same manner as lands are sold under the charter of such city for non payment of taxes and assessments; and a declaration of sale shall be issued to the purchaser thereof, as under sales for taxes; *provided*, that the owner of such premises or any person holding any encumbrance thereon, shall have such right to redeem such premises as is provided by the charter of such city, in cases of sale for non-payment of taxes and assessments.

Proviso.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CLXIX.

An act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any

Taxes and assessments upon real property may be paid to collector of taxes.

Upon payment, taxes or assessments shall cease to be a lien.

Proviso.

such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *and provided further*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 24, 1881.

CHAPTER CXCVIII.

An act respecting the representation of cities in boards of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state shall be entitled to be represented by not less than two freeholders in the boards of chosen freeholders of the counties in which they are respectively situated; *provided*, that whenever any city shall, under the provisions of this act, be represented by two freeholders, they shall not be elected from the same ward; *and provided further*, that any city within a township, which township, as such, is represented in the board of chosen freeholders of the county in which such city is located, shall not be represented as a city in said board of chosen freeholders; *and provided further*, that any city which has not been divided into wards shall be deemed to constitute one ward for the purposes of this act. All cities entitled to two freeholders. Proviso. Proviso. Proviso.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this shall be a public act and take effect immediately.

Approved March 25, 1881.

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CHAPTER CXCIX.

Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, section seventeen of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows:

17. *And be it enacted*, That when a township or ward in any city contains more than six hundred voters, said township or ward shall be divided into election districts, so as not to contain more than six hundred voters in each district, and the mayor and common council in the several cities and the township committees in the several townships are hereby required to set off said districts on or before the first day of August next, and file a description of the boundaries thereof, one copy in the county clerk's office and one copy in the city or township clerk's office, as the case may be, and in case any error is made in fixing the boundary lines of any such election district, the township committee of any township or mayor and common council of any city may at any time in their discretion correct such error and change said boundary lines; *provided, however*, that no election district shall contain more than six hundred voters.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1881.

CHAPTER CC.

An act respecting fire escapes or means of exit in and upon buildings in cities or municipal corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council board of aldermen or other governing body of all cities or municipal corporations in this state, are hereby authorized, empowered and required to pass, ordain and enforce ordinances and regulations and penalties, respecting the building, erection, equipment, maintenance and use of proper and efficient fire escapes or means of exit, in and upon hotels, theatres, halls, school houses and other public buildings, manufactories or other buildings where operatives are employed.

Common council, &c., authorized to pass, ordain and enforce ordinances for use of fire escapes.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 25, 1881.

CHAPTER CCVII.

An act authorizing the legislative bodies of the cities of this state to pass ordinances providing for the removal of dangerous walls, buildings, stacks and chimneys erected therein.

Municipal corporations empowered to make and adopt ordinance for removal of walls, buildings, stacks, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the cities of this state shall have power by its legislative body, to make and adopt ordinances providing for and regulating the removal of walls, buildings, stacks and chimneys erected therein, that are liable to fall, or that are dangerous to life; said removal to be made by the owner, agent or person having control thereof; or in case of failure of such owner, agent or person as aforesaid, to remove or otherwise make safe the same within a specified time after complaint and notice, or in case such owner, agent or other person cannot be found, then by the proper city officer or officers designated for that purpose, but at the cost and expense of such owner, agent, or person controlling the same.

Penalty for violation of ordinances.

2. *And be it enacted*, That any violation of any ordinance hereby authorized, may be punished by fine not exceeding fifty dollars for each day said violation shall continue.

3. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Approved March 25, 1881.

CHAPTER CCIX.

A supplement to an act entitled "An act for the improvement of the sanitary condition of cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended to read as follows:

Board of health to view district, said to have insufficient drainage.

That whenever a petition signed by at least twenty-five freeholders, residents of any particular city in any county having a county board of health, stating that any particular place or district in said city is in a condition detrimental to the public health, by reason of insufficient drainage, shall be presented to such board of health, it shall be the duty of such board to forthwith appoint a time and place, when and where they will meet to consider said petition; at which time and place said board shall so meet, and shall proceed to the place or district designated in such petition, and carefully inspect and examine the same.

Section amended.

2. *And be it enacted*, That section five of the act to which this is a supplement, be amended to read as follows:

Contracts, how awarded.

That the corporate authorities of such city, in case they shall decide to do the work, shall advertise for proposals therefor, as in cases of other improvements made under the charter of such city, and shall award the contract or contracts therefor to the lowest responsible bidder or bidders, who will comply with all the requirements of such authorities; *provided, however*, that all bids may be rejected and the work readvertised if the public interest shall require.

Proviso.

Section amended.

3. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows:

Certificate of indebtedness may be issued, or may issue bonds.

That the corporate authorities of such city shall have power to issue certificates of indebtedness or improvement certificates to the contractors for such works, or to raise money to pay for said works, by issuing and selling registered or coupon bonds, pledging the credit and property of such city for the payment thereof, payable in not less than two nor more than twenty years from the date thereof, at the discretion of such city authorities, with interest not exceeding six per centum per annum; which bonds shall be advertised for sale in the official paper or papers of such city, and such other papers as may be designated by the corporate authorities, and shall be sold to the highest bidder; *provided*, no more bonds shall be issued than shall be necessary to raise sufficient money to pay for the works provided for in this act, and such lands as may be purchased or taken under this act, or the act to which this is a supplement, whereon to locate and place such works; *provided, further*, that nothing in this act, or the act to which this is a supplement, shall authorize the incurring of any bonded or other indebtedness of such city in excess of ten per cent. of the average assessed valuation of property in such city for five years next previous to the time of incurring such debt or making such improvement.

Proviso.

Proviso.

Civil engineer or assistants may enter upon all lands for surveying, leveling and laying out route of sewers, drains, &c.

4. *And be it enacted*, That it shall be lawful for the civil engineer or engineers appointed by the corporate authorities of any city to make plans and specifications for the sewers or other works or structures mentioned in the third section of the act to which this is a supplement, his or their agents and assistants, or others in their employ, to enter upon all lands or waters within the place or district so requiring to be drained as aforesaid thereto, for the purpose of exploring, surveying,

leveling and laying out the route and location of any sewer or sewers, pumps, dykes, dams, tidebanks, or such other works as may be necessary to secure sufficient and proper drainage of such place or district, doing no unnecessary injury to private or other property, and when the route or routes, or location or locations of such necessary works or structures shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the clerk of such city, then it shall be lawful for the corporate authorities of such city, by ordinance, to authorize the construction of a sewer or sewers, and the erection of pumps, dykes, dams, tidebanks, and such other works and structures, as may be necessary to secure sufficient and proper drainage of the place or district requiring to be drained.

When route, location, &c., is deposited with city clerk, city authorized to construct sewers, &c.

5. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, by their contractors, workmen and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, and to erect such pumps, dykes, dams, tidebanks and such other works and structures, and to do all other things which may be suitable and necessary to secure the sufficient and proper drainage of the place or district requiring to be drained, subject to such compensation as is hereinafter directed; *provided, always*, that the payment, or tender of the payment of all damages for the occupancy of the lands through or upon which said pumps, dykes, dams, tidebanks, ditches, drains, sluices, and such other works or structures may be laid out or located, be made before the corporate authorities of such city, or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tidebanks, sewers and other works or structures,

Contractors, workmen and others may enter upon and take possession of lands, &c.

Proviso.

unless the consent of the owner or owners of such land be first had and obtained.

Corporate authorities may contract with owners of land required.

6. *And be it enacted*, That it shall be lawful for the corporate authorities of such city, or their officers or agents, to contract with the owners of any land that may be required for the purpose of this act for the use and purchase thereof; and in case they cannot agree with such owner or owners, or if, by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land so required for the erection and construction of such pumps, sewers, dykes, tidebanks and other works and structures shall be given in writing, under the oath or affirmation of some engineer or proper agent of such city, and also the name or names of the occupant or occupants, if known, and their residences, if the same can be ascertained, to any justice of the supreme court, who shall cause the said city authorities to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof, as he shall direct, for any term not less than one week, and not more than one month; and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three desinterested commissioners, freeholders of said county, to assess the price or value of said land and all damages sustained by the erection or construction of such works, which commissioners shall be sworn or affirmed faithfully to execute the duties of said appointment, and after like notice to said owners of the time and place of meeting of said commissioners, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision, award and report as to the value of said land and the damages sustained, as to

Proceedings in case owners and authorities cannot agree.

Justice of supreme court to appoint commissioners.

Commissioners to meet, make award, and file same in clerk's office.

them shall seem just and proper, and within ten days thereafter transmit such decision, report, and award together with a description of the said land and the quantity taken, in writing, under their hands and seals, or under the hands and seals of any two of them, to the clerk of the city wherein said lands are, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, there to remain as a public record, and thereupon and upon payment, or tender of payment, of the amount so awarded as hereinafter provided, the corporate authorities of such city are hereby empowered to enter upon and take possession of said lands for the purposes aforesaid, and the said city shall thereby become seized and possessed in fee simple of the land so valued and appraised as aforesaid.

Parties aggrieved may appeal to circuit court.

7. *And be it enacted*, That if either party shall feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit court of the county in which such city may be situate, at the next term after such decision and award, by proceeding in the form of petition to the court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in said circuit court full right and power to hear and determine the same; and if required, said court shall award a venire, and direct a proper issue to be framed for the trial of said controversy; and may, in its discretion, order a jury to be struck, and a view of said premises to be had, and the said issue to be tried at the next term of said court, to be holden in said county, upon like notice, in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained, and if the said jury shall find a greater sum than shall have been awarded by said commissioners, then judgment shall be given against said city, with costs, and execution

awarded therefor; but if said jury shall be applied for by said owner or owners, and shall find a less sum than shall have been awarded by the commissioners, the costs shall be paid by said owner or owners, and either deducted out of said sum found by said jury or execution awarded therefor, as the court shall direct, but such application shall not prevent the said city from taking the said land on filing the report aforesaid, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being unknown or out of the state, or under a legal disability, the same being first paid into the circuit court of said county, and the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners.

Repealer.

8. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, either general or special inconsistent with the provisions of this act or the act to which this is a supplement, be and the same are hereby repealed.

Approved March 25, 1881.

CHAPTER XVI.

An act in relation to the receiving and detention of prisoners in city, town and township prisons in this state.

Keepers of prisons, lock-ups, police stations to receive and detain prisoners for hearing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in all cities, towns and townships of this state, where there is a prison, lock-up, police station, or place of detention for the reception and detaining of prisoners awaiting examination, trial, or final commitment at the hands of the proper authority or authorities of said cities, towns and townships, it shall be the duty of the keeper or keepers, or other proper authority having charge of such prison, lock-up, police station, or place of detention, to receive on the proper and legal commitment of any justice of the peace of any county in which said prison is situated any prisoner or prisoners, and detain the same for hearing on the order and commitment of said justice for examination, commitment to the county jail, or for trial before said justice, for any period not exceeding forty-eight hours.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1882.

CHAPTER XX.

An act to authorize any city board, under certain restrictions, to pay the lowest bidder for an article heretofore supplied under contract, the full amount of the bid and interest, although in excess of the sum said board could legally expend therefor.

City board to pay to lowest bidder under contract the amount of bid and interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any party shall have heretofore furnished any city board, under written contract signed by the mayor and the president or presiding officer of said board and attested by the city clerk, any personal property, or shall have heretofore done any work required by said board; but the amount of the proposal of such party for said work or materials, as the lowest bidder, shall have been in excess of the amount that could be legally expended by said board, that in every such case the board received such article or the benefit of such work, may, in addition to said legal expenditure, order paid the amount of said proposal in excess of the sum that the board could legally expend for said purposes together with interest thereon from the date said sum became due according to the provisions of said contract, and the board havieg in charge the finances of said city, may, if said board deems it a proper case therefor, borrow said sum thus ordered paid, and in that case such amount shall be placed in the next tax levy; *provided*, that in no case shall this be done unless there was competitive bidding for the contract awarded, and the contract shall have been given to the lowest bidder.

Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1882.

CHAPTER XXI.

An act to authorize cities to license and regulate the erection of bill boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body however designated of any city of this state, to license the erection of bill boards in any of the streets, roads or highways of any such city; *provided*, that in addition to the authority of any governing body of any such city the consent of property owners in front of whose premises said bill boards are proposed to be erected, shall be first had and obtained before the erection thereof; and it shall be lawful for said common council, board of finance or other legislative body of any city to exact an annual license fee from the person or persons obtaining consent to erect such bill boards, which said license fee may be levied and collected for the purpose of revenue.

Cities authorized to license the erection of bill boards.

Proviso.

2. *And be it enacted*, That the common council, board of finance or other legislative body of any such city, may pass ordinances for the regulation and protection of the rights of persons obtaining such license.

May pass ordinances for the regulation and protection of licensee.

3. *And be it enacted*, That this act shall be a public act, and shall go into effect immediately.

Approved February 24, 1882.

CHAPTER XXXII.

An act to authorize cities and boroughs to provide, by ordinance, for the licensing, regulating, restraining and taxing of auctions and auctioneers.

Cities and boroughs to provide by ordinance the licensing, &c., of auctions and auctioneers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council, or other legislative body of every incorporated city or borough within this state, shall have power to provide, by ordinance, for licensing, regulating, restraining and taxing of auctions, within the corporate limits of said city or borough, and of auctioneers carrying on or intending to carry on their said business within said limits, and to fix penalties for the violation of the same, and to prescribe the manner of collecting said penalties and of enforcing said ordinances.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 1, 1882.

CHAPTER XXXIX.

An act relating to the licensing and regulating of bill-posters in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or other legislative body, however designated, of any city in this state, to provide, by ordinance, for the licensing of bill-posters in any such city, and to adopt such rules, regulations and restrictions with reference to the conduct of said business and the persons by whom it may be carried on, as to it shall seem proper; *provided*, that the consent of property owners in front of whose premises bill boards are erected, or bills posted shall be first had and obtained; and it shall also be lawful for said common council, board of finance, or other legislative body of any city, to exact an annual license fee from the persons engaged in said business, which said license fee may be levied and collected for the purpose of regulation.

Cities may provide by ordinances for the licensing of bill-posters.

Proviso.

2. *And be it enacted*, That this act shall be a public act and shall go into effect immediately.

Approved March 3, 1882.

CHAPTER XL.

An act to provide for the better protection of the drivers of horse cars on street passenger railroads in the cities and towns of this state.

Horse car, rail roads to provide seats for drivers of cars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all horse car passenger railroads in the cities and towns of this state shall provide a proper seat upon the front platform of each car for the use of the driver, on such car, when driving the same, under reasonable restrictions by the company operating such car as to the use of the said seat in going up or down grade or otherwise.

Penalty for failure to comply with requirements of act.

2. *And be it enacted*, That any such company failing to comply with the requirements of the first section of this act, shall be liable to a penalty of twenty-five dollars for each day, any car belonging to them, shall be in use without such seat, to be recovered in an action of debt, before any justice of the peace, or district court, in the county or city where such railroad may be, by any person suing for the same; one-half of said forfeiture to be paid to the county treasury of the county where such suit is brought, and one-half to the person who shall prosecute the same to effect.

Approved March 3, 1882.

CHAPTER XLVI.

An act for the classification of cities in this state for the purposes of municipal legislation in relation thereto.

Classification of cities into classes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the classification of the cities of this state shall, for the purposes of municipal legislation in relation thereto, be as follows, viz.: "cities of the first class," "cities of the second classs," "cities of the third class," "cities of the fourth class."

Cities of the first class.

Cities of the second class.

Cities of the third class.

Cities of the fourth class.

2. *And be it enacted*, That "cities of the first class" shall consist of all cities in this state that have within their territorial limits a population exceeding one hundred thousand inhabitants; that "cities of the second class" shall consist of cities in this state that have a population within their territorial limits of not less than twelve thousand nor more than one hundred thousand inhabitants, and that "cities of the third class" shall consist of all cities in this state not embraced within either the first or second class as herein distinguished, except cities binding upon the Atlantic ocean and being sea side or summer resorts; "cities of the fourth class" shall consist of the cities of this state binding upon the Atlantic ocean and being sea side or summer resorts.

Laws hereafter enacted, how construed and applied to, and embrace all cities of the class referred to.

3. *And be it enacted*, That it shall be a sufficient classification of cities to which any law hereafter enacted shall apply, to refer in any such law to cities under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all cities of the class referred to in the act; and all courts of this state shall take

Courts of this state to take notice of the classification.

notice of this classification and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1882.

CHAPTER L.

An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof.

Board of aldermen empowered to cause sewers or drains to be constructed, and to provide and maintain a general system of sewerage and drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen of any city in this state to order and cause sewers or drains to be constructed in any part of such city, and to provide, maintain and alter a general system of sewerage and drainage for such city, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit within or without such city, for sewerage or drainage, and to provide for the disposal of sewage and drainage from the city; and to repair and cleanse such sewers and drains.

Upon presentation of petition of owners of property, board of aldermen to adopt resolution of intention to construct sewer or drain.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested, shall be presented to the board of aldermen of the city, asking for the construction of a sewer or drain in any particular section of said city, it shall be lawful for such board to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and the said board shall forthwith cause public notice of such intention to be given by the city clerk, or other designated officer, in two or more newspapers printed and circulated in such city, for the space of ten days, briefly describing the proposed work, and requesting such persons as may object thereto to present their objections in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same;

Owners of more than one half lineal frontage of land objecting, proceedings shall cease.

and if persons owning or representing more than one half of the lineal frontage of land along any street trough which it is proposed to construct any lateral sewers or drains shall so present their objections in writing then such proceeding shall cease; but otherwise and after the expiration of said ten days it shall be lawful for such board to adopt any ordinance for the construction of such sewer or drain, to award contracts for the same or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

II. If in the judgment of the said board of aldermen, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the circuit court of the county wherein such city is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days publication in two newspapers printed and circulating in such city, at which time and place, or at such other time and place as the court shall designate, said court shall without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause.

Commissioners to be appointed by court to estimate and assess benefits, &c.

Commissioners to take oath, &c.

III. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath

or affirmation shall be attached to the report that they are hereinafter required to make.

Commissioners to give notice of time and place to hear persons interested.

IV. The said commissioners, having thus qualified shall give notice, under the direction of the said court, of the time and place when and where they will bear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned; but the failure to so ascertain the name of any such owner, or to state the same correctly or the omission of any such name from the said report, shall not be deemed to invalidate the said assessments, nor to be a bar to the collection of the same.

Commissioners to make report of estimates and assessments, &c.

V. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map, prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such sewer or drain; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the

names, so far as ascertained, of the owners of the said lots or parcels of land and real estate, and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessment shall in each case be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large, and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

Notice to be given of hearing of objections to assessments and report,

VI. Upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any lands and real estate affected thereby; the said court

shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the city clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

No certiorari to be allowed to review proceedings in relation to improvements and assessments.

VII. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of the said commissioners.

Assessments made to be first lien on lands affected.

VIII. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state; and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities, and shall be collected in the same manner that assessments are now collected under such laws; and in case of the non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws.

Expenses of improvement may be paid by issuing of temporary improvement certificates.

IX. The board of aldermen may pay the expenses of any such improvement by the issue of temporary improvement certificates from time to time, as the work progresses, in such form as the board may prescribe; said certificates shall bear interest at a rate not exceed-

ing six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue;

Amount to be paid by city at large to be incorporated in annual tax levy.

X. It shall be the duty of the board of aldermen to incorporate in the annual tax levy, in each year, such amounts as shall be required to be paid by such city at large, on account of any such improvement, made in the next preceding fiscal year, over and above the total amount of the assessment made against the lands and real estate peculiarly benefited, and the same shall be raised by general tax; and the moneys received for assessments, and the moneys so raised by general tax, for the purpose aforesaid, shall be reserved for, and exclusively applied to, the payment for such improvement or to the payment of any temporary indebtedness incurred by the city therefor;

Fees for services under this act.

XI. The following fees shall be allowed for services under this act:

To the justices of the supreme court: for the appointment of the said commissioners, five dollars; for the hearing of objections to the report, and any other hearing required by this act, five dollars for every day he shall sit to hear the same; for the confirmation of any such report, five dollars; *provided*, that no fees shall be allowed to any such justice receiving a salary in lieu of all fees;

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To each commissioner: five dollars for every day he shall be actually engaged in the performance of the duties herein required of him;

Fees by whom paid.

The foregoing fees shall be paid by the city in which the improvement is made.

Certain "terms" what held to include.

3. *And be it enacted*, That the term "board of aldermen" when used in this act, shall be held to include the common council or other municipal body now charged by law with the construction of sewers in any of the cities of this state; and the term "sewer" or "drain" shall be held to include catch basins, receiving

basins, and all the other appurtenances of sewers or drains.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LIV.

An act concerning cities in this state.

Board authorized to expend certain amount of money for purchase of lands, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where lands, dedicated to public uses, have been sold, and the purchase money therefor is required by law to be used for the purchase of other real estate, and the erection thereon of buildings, and the furnishing of the same for the same public uses as the property sold, if such purchase money shall not be deemed, by the municipal board having the power to make such sale and purchase, sufficient to purchase property and erect buildings suitable for such public uses, it shall be lawful for such board to expend, for the purchase of real estate for such public uses, a sum not exceeding the amount received from the sale of said property as aforesaid, in addition to such amount, for the purchase of lands for such public uses.

Board may borrow money and issue bonds.

2. *And be it enacted*, That to provide moneys necessary to carry this act into effect, it shall be lawful for the board having control of the finances of the city, to borrow money for such purpose, upon request being made to said board for that purpose by the board having power to make such sale and purchase; and said board, in order to procure said money, may issue bonds having not more than thirty years to run, and bearing interest at a rate not exceeding five per centum per annum, such bonds being issued in manner and form as other bonds of such city are now authorized by law to be issued; *provided*, the issue of bonds under this act shall not exceed in any city of this state the limit now provided by law, and that the proceeds of the sale of such bonds shall not be applied to any other purpose

Proviso.

than the purchase of lands for the public uses aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LV.

An act relative to interest on arrears of taxes and assessments in incorporated cities.

Unpaid taxes and assessments imposed prior to 1881 may be paid to collector authorized with interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city in this state, the amount of any tax or assessment due upon any real property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty-one and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under

Receipt to be given and record of tax or assessment cancelled.

Proviso.

the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other person than the city in which said taxes and assessments are laid or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments or the delivery of any certificate or declaration of sale or deed therefor be stayed by anything in this act contained.

2. *And be it enacted,* That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LVI.

A supplement to an act entitled "An act relating to the division of certain cities in this state into wards."

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read as follows:

Cities, incorporated towns &c., may be devided into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state not already divided into wards or districts, and all incorporated towns or municipalities, by whatever name or title said cities, towns or municipalities may be designated, in which more than six hundred votes are polled at any annual election, may be divided into two or more wards.

Section amended.

2. *And be it enacted*, That the second section shall be amended so as to read as follows:

Common council or governing body authorized and empowered to divide cities, &c., into wards.

2. *And be it enacted*, That the common council or other governing board or body in any such city, town or municipality, by whatever name or title it may be called, is hereby authorized and empowered to determine the number of wards into which such city, town or municipality shall be divided, and the boundaries of said wards, and are authorized and empowered to make such division accordingly.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1882.

CHAPTER LX.

A supplement to the act entitled "An act to authorize cities to issue bonds to fund obligations incurred for street improvements" approved March ninth, anno domini, one thousand eight hundred and seventy-seven.

Cities mas issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any city in this state which has heretofore issued "street improvement bonds" under the authority conferred by the act to which this is a supplement, to issue bonds of said city, to be styled "renewal street improvement bonds" and that the proceeds of such bonds shall be appropriated only to the payment and cancellation of such "street improvement bonds" heretofore issued by such city, and that the amount of such "renewal street improvement bonds" shall not exceed eighty-five per centum of the amount of the street improvement bonds," which shall mature and become due within sixty days from the issuing of the bonds herein provided for.

Bonds issued to be appropriated only for the payment and cancellation of bonds heretofore issued.

Provisions of act made applicable.

2. *And be it enacted*, That all the provisions of the said act to which this is a supplement, so far as the same are not inconsistent herewith, are continued in force and made applicable to the bonds hereby authorized.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1882.

CHAPTER LXXI.

An act concerning cities

City authorities authorized to extend water mains beyond the limits of any city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city in this state in which water works are owned and controlled by the city authorities, the common council, board of commissioners, aqueduct board, or other body having the actual management of such works, may, whenever they shall deem it expedient, and on such terms for water takers as they may from time to time prescribe by general rules, or make contracts for, with individual consumers, extend their water mains beyond the limits of such cities respectively, to a distance not exceeding four miles in any single direction, and may make such lateral connections with said mains, and establish and maintain such fire hydrants as they may from time to time find necessary or desirable; *provided*, that the rates charged to water takers outside of such city limits shall not in any case be less than are charged for the same service within such cities; but may be as much greater (not exceeding twice as much, exclusive of hydrants), as the body having the management of such works may determine; *and provided further*, that nothing in this act shall be construed to authorize the common council or other body having the actual management of such water works, to increase the bonded indebtedness of any such city for the purpose of laying such water pipes or to extend their pipes beyond the borders of this state or within the limits of any other city in which water works are or may be established, without the previous consent of the proper authority in such other city.

Proviso.

Proviso

2. *And be it enacted*, That the township committee, council, or other proper authority of any township, borough, or other municipal corporation within which such water mains shall be extended, as hereinbefore provided for, are hereby authorized to enter into contract with said council, commissioners, board or other body having the actual management of water works as aforesaid, for the maintenance and use of fire hydrants, on such conditions and at such rates as may be mutually agreed upon; *provided, however*, that the ordinary use of roads and highways shall not be unreasonably interrupted during the laying of such water mains and pipes, and that such roads and highways shall be left in as good condition as when such work was begun.

Town committee authorized to enter into contract for the supply of water, &c.

Proviso.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, and so far as inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved March 10, 1882.

CHAPTER LXXIII.

A supplement to "An act to regulate term of office in municipalities", approved March twelfth, one thousand eight hundred and eighty.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act to regulate term of office in municipalities," to which this act is a supplement, be and the same is hereby amended so as to read as follows, viz. :

What constitutes a vacancy in any municipal government.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any municipal government in this state shall remove from any such municipality and shall no longer be a bona fide resident therein, or whenever the resignation of such officer shall have been accepted by the authority competent to appoint his successor, such removal and non residence or such resignation shall constitute a vacancy in the office held by such non-resident or person who shall have resigned, and from the time of such removal or resignation, such officer shall not exercise any of the duties of the office so made vacant; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies; *provided*, that this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality, unless otherwise provided by any special charter of any city in this state; *and provided further*, that nothing in this act shall be so construed as to prevent a non resident of any municipality in this state from holding office as counsel or attorney of such municipality, nor shall such offices be deemed

Vacancies, how filled.

Proviso.

Proviso.

vacant by reason of the removal or non-residence of such counsel or attorney of such municipality.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed to be a public act, and shall take effect immediately. Repealer.

Approved March 10, 1882.

CHAPTER LXXVIII.

An act to provide for the removal of snow and ice from the sidewalks and gutters of the streets and highways in cities, towns, and boroughs of this state.

Ordinances may be passed for the removal of snow and ice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any legislative body of any city, town or borough of this state to pass ordinances providing for the removal of snow and ice from any sidewalk and gutter of any street and highway that is graded, curbed, and flagged in any such city, town or borough.

What ordinances may provide.

2. *And be it enacted*, That it shall be lawful to provide in any such ordinance for the removal of the snow and ice from any sidewalk and gutter as aforesaid, by the street commissioner of any such city, at an expense not exceeding one cent per foot front, where the owner of the land in front of the same fails to remove the snow and ice within twenty-four hours after any such sidewalk or gutter was covered with snow and ice.

Costs and expenses of removing ice and snow, how assessed and collected.

3. *And be it enacted*, That the costs and expenses paid and incurred by said street commissioner for removing the snow and ice from any sidewalk and gutter as aforesaid may be certified by said street commissioner to the proper officer or officers or board of revision of taxes, whose duty it is to assess and levy the taxes of any such city, town or borough, and the same shall be added to the taxes of the lot or lots or parcels of land in front of the sidewalks and gutters from which the snow and ice was removed, and shall be a part of the same, as a first and paramount lien upon said land and premises.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1882.

CHAPTER LXXXIII.

An act concerning the appointment of city clerk's in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the board of aldermen, council, common council, or other legislative body of any city in this state of the second class as fixed by an act for the classification of cities in this state, shall appoint a city clerk for such city, in the manner provided by law for the appointment of other city officers by such legislative body; and such city clerk shall hold office for the term now provided by law. Cities of second class may appoint city clerk.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Term of office.

Approved March 16, 1882.

CHAPTER LXXXV.

An act concerning cities.

Board of aldermen or councilmen may secure from the voters by election an expression of opinion on the question of filling in property covered with tide water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state, to make such provision as it may deem necessary to secure from the voters of any such city, by election and ballot, an expression of opinion on the question of filling in property, within the limits of any such city, which is now or may hereafter become covered by tidewater, or by erecting pumping works for the purpose of draining any such property.

Expression of opinion to be determined by popular vote at next election.

2. *And be it enacted*, That such expression of opinion shall be settled and determined by popular vote at the next succeeding annual municipal or general election following the passage of this act as said board of aldermen or common council shall determine, and said municipal board shall cause said election to be advertized, for the time now prescribed by the general election law, and shall cause the result of such election to be certified and filed with the secretary of state within thirty days after said election, and that said common council shall have power to carry out the provisions of this act by the issuing of bonds bearing interest at a rate not exceeding six per centum per annum; *provided*, that nothing in this act shall allow any city to exceed the limit of debt fixed by its charter.

Election to be advertized and result certified to and filed with secretary of state.

Common council empowered to issue bonds, &c.

Proviso

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCVI.

A further act concerning cities.

Common council authorized to fix by ordinance times and dates of taxes required, shall be assessed and collected, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city may fix by ordinance the times and dates within which taxes required by law to be raised in such city, whether state, county, municipal or other taxes, shall be assessed, as well as the times and dates when the same shall be come due and within which the same shall be collected, the date of the session of the commissioners of appeal, and the date on which the collector of taxes in said city shall make return of the names of the delinquents in the payment of such taxes, in order to the issue of warrants for the collection of taxes due from such delinquents respectively; and whenever the common council of any city shall so fix such times, dates and periods as aforesaid, all provisions of law affecting, such city, so far as they fix such dates, times and periods otherwise, shall be suspended and of no effect so far as concerns such city, during the continuance of such ordinance unrepealed; *provided*, that nothing herein contained shall be construed to authorize the fixing of any date, time or period, as aforesaid, later than the several corresponding dates, times or periods for the assessment, time of falling due, collection, session of the commissioners of appeal and return of delinquents, which are, or shall at any time be, fixed by the general law in respect of townships.

Proviso.

Assessment and collection of taxes, how, and by whom assessed and collected.

2 *And be it enacted*, That every city shall have full power, through its appropriate officers, to assess and collect its full quotas of state, shool and county taxes, and that said taxes shall, in each city, be assessed and collected by the same officers and in the same manner

as municipal taxes in such city are or shall be by law directed or authorized to be assessed and collected, respectively, and the names of delinquents in the payment of such taxes shall also, so far as said taxes shall remain unpaid, be returned, with the sums due from such delinquents, respectively, in the same manner, and to the same magistrate, as the names of delinquents in the payment of municipal taxes in such city are by law required to be returned; every assessor and collector who is by law charged with any duty in respect to the assessment or collection of municipal taxes in any city, is hereby empowered and directed to perform the like duties, in respect to the assessment and collection, respectively, of such city's quotas of state, state school and county taxes, and the common council of such city is hereby empowered and directed to exercise the like authority, supervision and control over and in respect to the assessment, collection and enforcement of such city's quotas of state, state school and county taxes, as well as of its taxes for municipal and other local purposes, as township committees of townships are by law empowered to exercise over and in respect to the assessment, collection and enforcement of state, state school and county taxes required to be raised in townships, and any balance of moneys remaining in the hands of the treasurer of any city, derived from the levy of state, state school or county taxes, for any year, shall, after the quota of state, state school and county taxes, due from the taxes of such city for that year, and for all previous years, has been paid in full, be transferred to the general fund, and belong to and be applicable to the general municipal or other purposes of such city.

Magistrate to issue warrant for collection of unpaid taxes.

3. *And be it enacted*, That after the date fixed, pursuant to the provisions of this act, by the common council of any city for the return of the names of delinquents in the payment of any taxes, the magistrate to whom any such return in such city shall have been

made, shall thereupon issue his warrant, and, if required, shall issue from time to time successive alias and pluries warrants, for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes in townships, and with the like force and effect; and such common council may at any time revoke the designation of any such officer, and designate another for the like purpose, who shall have the like powers; and the officers to whom any such warrant shall have been issued, is hereby empowered and directed to collect all taxes by such warrant commanded to be collected, whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delinquents, so far as may be necessary to collect the amounts due from them respectively, for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

Taxes may be collected by levy and sale of personal property.

4. *And be it enacted*, That whenever, by reason of any ambiguity or inconsistency in or misconstruction of existing laws, or for any other reason, no legal return of the names of delinquents, in the payment of any taxes now or heretofore due and payable in any city has been made, then and in such case, at any time within six months after the passage of this act, a return of the names of delinquents in the payment of such taxes, with the sums due from them respectively shall be made by the collector for the time being, to the magistrate to whom, by the foregoing provisions of this act, returns are required to be made; *provided*, that the common

Return of names of delinquents to be made by collector.

Proviso.

council of such city shall by resolution so direct; and upon the receipt of such return and upon the request of such common council, such magistrate shall issue his warrant and, if required, shall issue from time to time successive alias and pluries warrants for the collection of such taxes, to such officer as shall have been or shall be designated by such common council to receive the same, commanding him to collect such taxes, with the interest and costs by law chargeable thereon, by levy and sale of personal property, in like manner as justices of the peace in townships are authorized by law to issue warrants for the collection of taxes in townships, and with the like force and effect; and such common council may, at any time, revoke the designation of any such officer, and designate another for the like purpose, who shall have the like powers; and the officer to whom any such warrant shall have been issued, is hereby empowered and directed to collect all taxes by such warrant commanded to be collected, whether such taxes be for state, county, municipal or other purposes, and to this end he is empowered and directed to levy upon and sell personal property of delinquents, so far as may be necessary to collect the amounts due from them respectively for such taxes, with the interest and costs by law chargeable thereon, in like manner as is required or authorized by law in respect to or upon similar warrants issued in townships.

Powers and duties of certain officers not to lapse or cease by reason of expiration of term of office.

5. *And be it enacted*, That the powers conferred, and duties imposed, by law upon any officer, in any city, in respect to the collection or enforcement of taxes in such city, including the power and duty of issuing warrants therefor, shall not lapse or cease to exist by reason of the expiration of his term of office, or by reason of any vacancy which may arise in said office, but all such powers and duties shall, so far as the same shall not have been executed or performed, devolve upon his successor in office, and be executed and per

formed by such successor; and if at any time within six years next previous to the passage of this act, the power to collect and enforce the payment of any taxes in any such city has lapsed or ceased to exist, solely through the expiration of the term of office of any such officer, then, and in every such case, the time to collect such taxes in such city shall be, and hereby is, extended and continued for two years next after the passage of this act, and at any time within six months after such passage a return of the names of the delinquents in the payment of such taxes, with the sums due from them, respectively, may be made, and warrants issued by and to the same officers or persons, respectively, and in like manner, and with like effect, as is provided in the last preceding section of this act with reference to the making of returns and the issue of warrants in cases of improper, illegal or inadequate returns, or in case of the absence of any returns, by reason of ambiguity or inconsistency or misconstruction of the law.

Power to collect and enforce payment of taxes lapsed or ceased to exist extended.

6. *And be it enacted*, That this act shall not take away or impair any power conferred by law upon any city, or any officer thereof, in relation to the assessment, collection or enforcement of taxes, and shall not apply to any city within whose limits state and county taxes are now assessed and collected by officers of a township or townships.

Act not to take away or impair powers of any city or officer conferred by law.

7. *And be it enacted*, That the term common council, whenever used in this act, shall be construed to mean the legislative body of any city, whether called "common council" or "board of aldermen," or called or known by any other designation.

Terms used, how construed.

8. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1882.

CHAPTER XCVIII.

An act concerning cities in this state.

Boards authorized to elect chief engineer of public improvement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which now have or hereafter shall have the care of streets, sewers, and water vested in a single municipal board, such board shall have power to elect a chief engineer, who shall have been a resident of such city for at least two year's prior to his election and be a civil engineer in active practice in either public or private capacity at the time of such election; such officer so elected shall have full charge of all matters pertaining to the business of a civil or hydraulic engineer in relation to any public improvement or other work proper to be managed under the direction of such municipal board; his term of office shall be for two years from the date of such election, or in any case where such election shall require confirmation by any other city board or officer, for two years from the date of such confirmation, and such officer shall receive such salary as shall be fixed by said board appointing him, not exceeding the sum of five thousand dollars per annum, and such board shall have power to remove him for malfeasance in office or incompetency, after proper trial and opportunity to be heard in his defence; but nothing in this section shall shorten the time of any chief engineer now holding office, unless he shall be appointed to succeed himself for the full term as above, and whenever the act of the appointing board shall require confirmation by any other board or city officer the incumbent then or now in office shall continue in office until his successor is appointed and confirmed.

Term of office and compensation.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 17, 1882.

CHAPTER CXIII.

An Act to authorize the erection of school houses in the cities of this State.

Cities authorized to purchase lands to erect school houses

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city in this State, from time to time, to purchase lands for the purpose of erecting school houses theron, and to raise the money required for such purpose by loan on the credit of such city; *provided*, that the total amount of bonds outstanding and unpaid, issued for such purpose, shall not exceed at any one time the sum of fifty thousand dollars; *and further* that said bonds shall not bear more than the legal rate of interest, and shall not be sold at less than par value.

Proviso.

Loans to be authorized by ordinances.

2. *And be it enacted*, That all such loans shall be authorized by an ordinance of the common council or board of aldermen of such city, which ordinance shall distinctly specify and provide the ways and means, exclusive of loans, to pay the principal of said loans and the interest on the same annually, and also the time within which the said bonds shall be paid, which ordinance shall be irrepealable until such debt be paid.

Amount of bonds heretofore issued for purchase of lands and erecting of school houses included within the amount authorized by this act.

3. *And be it enacted*, That when in any city of this State, loans have heretofore been made for the purpose of purchasing lands and erecting school houses thereon, and the bonds issued for such purpose are still outstanding and unpaid, the amount of the bonds so issued shall be included within the amount authorized to be issued by this act, and nothing in this act shall be taken or construed as authorizing the issuing of bonds to a greater amount at any one time, than the sum of fifty thousand dollars, for the purposes aforesaid.

Approved March 22, 1882.

CHAPTER CXXXV.

An act relating to the improvements of streets and the construction of sewers in the cities of this state.

Cities empowered to raise capital fund for improvement of streets and construction of sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, or other legislative or governing body, of any city in this state, whenever in its judgment such action shall seem judicious, to raise in its annual tax ordinance a capital fund to be used exclusively in the improvement of its streets and the construction of necessary sewers therein, which said fund so raised in the several cities of the state shall not exceed in any one year the following amounts, viz.: In cities having a population of one hundred thousand inhabitants and over, a sum not exceeding seventy-five thousand dollars; in cities having a population of fifty thousand and not more than one hundred thousand, a sum not exceeding twenty-five thousand dollars; in cities having a population of twenty-five thousand and not more than fifty thousand, a sum not exceeding ten thousand dollars; and in cities having a population less than twenty-five thousand, a sum not exceeding five thousand dollars.

Amounts in certain cities to be raised.

Capital fund raised, how applied.

2. *And be it enacted*, That so much of such capital fund raised as aforesaid as the common council, or other legislative or governing body of any such city shall determine to use for that purpose, may be applied each year to the pavingor repaving of the streets of any such city, and such paving or repaving may be done without the consent or request of the owners of property fronting on said projected improvement.

Legal requirements to be complied with.

3. *And be it enacted*, That before any ordinance providing for the improvement of streets and the construction of sewers as aforesaid, shall be presented for

the action of the legislative or governing body of any city, all legal requirements existing in the charter of such city with respect to the notice of intention to do said work, shall be in all respects complied with.

Sum authorized and set apart for improvements to be designated by ordinance.

4. *And be it enacted*, That if the common council or other legislative or governing body of any city in this State shall determine to raise in its annual tax ordinance the sum hereby authorized, or any part thereof, for any or all of the purposes herein designated, the said ordinance shall specifically state how much of said moneys so raised shall be applied to each designated improvement; and the amounts so set apart for a particular and specified improvement shall not be applied to any other use nor exceeded in any year.

Assessments for benefits to be levied and collected and remain a lien, &c.

5. *And be it enacted*, That assessments for benefits from any such improvements (except as hereinafter stated) shall be made, levied, collected, and be a paramount lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect to making and collecting assessments therein.

Moneys collected from assessments for benefits how applied.

6. *And be it enacted*, That all moneys collected from assessments for benefits as aforesaid, shall be set apart, and kept separate from other funds of said city, to be used as an additional fund for similar improvements as its common council, or other legislative or governing body, shall from time to time determine; and assessments for benefits from such improvements shall be made, levied, collected, and be a first lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in such city with respect thereto; and the moneys collected therefrom shall be expended solely for similar improvements as its legislative or governing body shall deem judicious; and so from time to time such improvements may be made, and assessments which shall be a prior lien on the lands

specially benefited, may be made, collected and applied, under the provisions hereof.

Notice to be given to owners of land to flag, or repair sidewalks when ordered.

7. *And be it enacted*, That whenever any sidewalk or sidewalks in any city shall, in the judgment of its council or other governing body, need flagging, reflagging or repairing, the street commissioner thereof, or other designated officer, shall notify in writing the owner or owners of the land and real estate in front of which said improvement is required, personally or by leaving the same at his residence, if said owner or owners reside in said city, and can be found, that said sidewalk must be flagged, reflagged or repaired by said owner or owners within thirty days from the service of said notice; if said owner or owners be non resident, then said notice shall be served on his or their agent, if he can be found, and if not, the same shall be posted conspicuously on the premises; and if said work is not done by the said owner or agent as required by said notice, then the said city shall proceed to do said work, which may be by resolution without notice of intention, and its surveyor, or other officer designated for the purpose, shall ascertain the cost thereof, and shall assess on said property in front of which said work is done, the whole expense of doing the same; and said assessment, when filed in the office of the comptroller or other person authorized to collect assessments therein, shall be a first lien on said property so specially benefited, and shall be collected and enforced as other assessments are collected and enforced in said city.

Proceedings in case owners fail to comply with notice to pave or reflag, &c.

8. *And be it enacted*, That this act shall be a public act, and go into effect immediately.

Passed March 27, 1882.

CHAPTER CXLIV.

An act to authorize additions to sinking funds in cities.

Board of commissioners authorized to make additions to sinking fund annually in order to provide for payment of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities where there are water works in operation under the control of a board of commissioners, and where a sinking fund has been established by them for the redemption of bonds issued for the purchase or extension of said works, such board of commissioners are hereby authorized to make additions to such sinking fund annually to such amount as they deem proper and necessary in order to provide for the payment of all bonds issued by authority of law by such board, and with authority to make such regulations for and disposition of such fund as may be necessary to make it applicable for the redemption of the several series of bonds issued as they mature; such amounts as may be appropriated by authority of this act may be paid from the revenues derived from the use of water, and are not to exceed annually an amount equal to ten per centum of the water rent revenues of the preceding year.

2. *And be it enacted*, That this act be deemed and taken to be a public act and shall take effect immediately.

Approved March 28, 1882.

CHAPTER CXLVII.

An act to authorize incorporated cities in the State of New Jersey to adjust and compromise certain past due taxes.

Preamble.

WHEREAS, many vacant lots and unimproved lands within cities in this state have been, prior to the year one thousand eight hundred and seventy-nine, assessed for taxes and sold for non-payment thereof, and certificates of sale therefor are now held by said cities; and that, by reason of the excessive assessments heretofore made on account thereof, and the re-assessments thereon while so held, said cities are unable to obtain the payment of such taxes; therefore, to aid such cities in obtaining settlement of the same.

Cities authorized to examine, alter, adjust, compromise and settle certain past due taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities, respectively, or any committee of said board of aldermen or common council of not less than three in number, for that purpose by resolution appointed, to examine, alter, adjust, compromise and settle all or any unpaid taxes, assessed in said cities, respectively, on account of vacant lots and unimproved lands therein, prior to the year one thousand eight hundred and seventy-nine, which have been sold for the non-payment thereof, and certificates of sale therefor have been given to, and are now held by said cities, respectively, in such manner as may be equitable and just.

2. *And be it enacted*, That any person or corporation having an interest in any such vacant lots or unimproved lands, and desiring to redeem the same, or any part

thereof, may present to said board of aldermen or common council of said city in which such past due tax or taxes exist, a petition, therein praying for a compromise and settlement for any such past due taxes, and thereupon it shall become the duty of such board of aldermen or common council, or any committee thereof duly appointed by said board of aldermen or common council, to examine such past due taxes and to alter, adjust, compromise and settle the same as shall be equitable and just; and when the same shall be so done it shall be final and conclusive between every such person or corporation so petitioning for the same, and any said city in which such past due taxes shall have been so altered, adjusted, compromised and settled.

Compromise to be final and conclusive.

Proceedings of board to be signed by presiding officer and filed.

3. *And be it enacted*, That the proceedings of the said board of aldermen or common council, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen or common council, if had before them, or, if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be held, with whom such tax was filed before such alteration, adjustment, compromise and settlement; *provided, however*, that any person or corporation desiring to have the benefit of this act shall file petition therefor within twelve months from the date of the passage of this act.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1882.

CHAPTER CLXI.

An act to amend an act entitled "An act respecting licenses in cities, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations or seaside resorts," approved March twenty-fifth, one thousand eight hundred and eighty-one.

Common council, &c., make ordinances for the licensing and regulating cartmen, porters, etc.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, or other governing body of any city, incorporated borough, town, or police, sanitary and improvement commission, incorporated camp meeting association or sea side resort, or other municipal corporations in this state, to make and establish ordinances for the following purposes, viz.: license and regulate cartmen, porters, hack, car, omnibus, stage and truck owners and drivers, and carriages and vehicles used for the transportation of passengers, baggage, merchandise, goods and articles of any kind, auctioneers, common criers, hawkers, peddlers, pawn brokers, junk shop keepers, keepers of bath houses, boarding houses and news stands, sweeps and scavengers, travelling shows and circuses, and to fix the rates of compensation to be paid therefor, and to prohibit unlicensed persons and vehicles from acting or being used in such capacities; and the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

CHAPTER CLXXIX.

An act to authorize the construction of school houses in cities of this state.

City authorities authorized to purchase lands and to erect school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the corporate authorities of the cities of this state, upon request by the board of education, or other body having the charge of the public schools in such city, to purchase lands and to erect school houses thereon, and to furnish the same, from time to time, as the increase of population in any such city may demand; *provided, however*, that the expense incurred in any one instance shall not exceed forty thousand dollars; *provided, further*, that where the charter of any city, or any supplement or supplements thereto, provides a limit of annual expenditure for permanent improvements, nothing in this act shall authorize expenditure in excess of such limit.

Proviso.

Proviso

Funds for the purchase of lands and erecting buildings, how raised and applied.

2. *And be it enacted*, That, to raise the funds for the purposes aforesaid, the corporate authorities of such city shall have power to raise money by temporary loans for a term not exceeding three years; and to meet such loan they shall include in the next annual tax levy one third, at least, of the amount of such temporary loan, with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest; and as fast as such moneys shall come into the treasury of such city they shall be applied to pay such temporary loan; and such loan shall be so obtained that it can be paid by instalments, with interest payable semi-annually.

3. *And be it enacted*, That, to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in any one instance; *provided, however*, that no bonds shall be issued in excess of ten per centum of the assessed valuation of such city. Temporary loan bonds may be issued. Proviso.

4. *And be it enacted*, That such temporary bonds or scrip may be taken for the sinking fund of any such city if the authorities having charge of such sinking funds shall so elect, and if such bonds can be so taken it shall be the duty of such authorities to so take them, and the money raised by taxation for payment of the principal and interest shall then be paid into the sinking fund. Temporary bonds issued may be taken for the sinking fund, &c.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1882.

ACTS CONCERNING

THE

Board of Trustees

OF THE

HOBOKEN CEMETERY.

CHAPTER CXXIII.

An act entitled "An act to create a Board of Trustees of the Hoboken Cemetery."

Management of cemetery entrusted to trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the care, management and control of the Hoboken cemetery at New Durham, in the county of Hudson, shall hereafter be vested in and confided to a board of trustees, who shall possess the same powers and perform the same duties as are now confided in the mayor and council of the city of Hoboken in respect to said cemetery, and such further powers, privileges and duties as are conferred upon them by this act.

Trustees, how elected, and their powers.

2. *And be it enacted*, That on the third Monday in March, eighteen hundred and sixty-eight, the lot owners in said cemetery shall meet at the office of the city inspectors in the city of Hoboken, for the purpose of electing six trustees, who, with the chairman of the council of the city, shall constitute the first board of trustees of said cemetery, and shall be known and styled "The Board of Trustees of the Hoboken Cemetery," and that they and their successors shall at all times hereafter exercise the powers and privileges, and perform the duties conferred by this act; they shall annually elect from among their number a chairman and secretary, and make such needful and proper rules and regulations for their own proceeding and deliberations, and hold meetings at such times and places as they may think proper, a majority of all said trustees, and no less number, to be a quorum for the transaction of business.

Shall determine by lot their terms of office.

3. *And be it enacted*, That at the first meeting of the trustees elected, and by this act the said six trustees shall determine by lot the length of term of their sev-

ereal offices, that one of the said trustees shall hold his office for one year, another shall hold his office for two years, another shall hold his office for three years, another shall hold his office for four years, another shall hold his office for five years, another for six years as may be determimed by lot at such meeting, their said terms of office to continue until the first Monday in May in the years when their said terms are to expire; that at least one month before the expiration of the term of office of the trustee having the shortest term of office, and annually thereafter, the said trustees shall cause notice to be given by publishing the same in two of the newspapers printed in Hoboken, and by posting the same at the public entrance to said cemetery, of the election of a trustee to fill the place of that trustee whose term of office is about to expire, and thereupon an election of such trustee shall be had at such time and place as the said trustees may designate in said notice, and such trustee shall be elected annually by the lot owners in said cemetery, each lot owner to be entitled to one vote for each lot; *provided, however*, that no person shall be eligible to to be elected trustee under this act unless at the time of his election he shall be the owner in his own right of one or more lots in said cemetery, and in case of death or resignation of any trustee during his term of office, or of his ceasing to be the owner in his own right of a lot in said cemetery, the said trustees shall call a special election to fill the vacancy. Proviso.

4. *And be it enacted*, That all deeds for any lots of ground in the said cemetery to be sold by the said trustees shall be signed as the same are now by the mayor of the city of Hoboken, attested by the city clerk under the corporate seal of the said city, and countersigned by the secretary of the said board of trustees, but the said trustees may enter into and make all needful and proper contracts for the adorning and improving the said grounds, and other purposes within Deeds, how given.

the scope and meaning of their powers and duties, in their name as trustees, and to enforce the same by action in the corporate name of the city of Hoboken, and all actions against said trustees for anything done or to be done by them within the scope and meaning of their powers and duties shall be brought against the city of Hoboken in its corporate name.

All moneys received and paid out by city treasurer.

5. *And be it enacted*, That all moneys received by said trustees shall be paid to the treasurer of the city of Hoboken, who shall in time pay all bills contracted by said trustees when countersigned by the president and secretary of said trustees, and the funds received by the said treasurer shall be placed to the credit of the cemetery fund, and shall not be used for any other purpose than the maintaining and supporting said cemetery.

Other than residents may purchase burial plats.

6. *And be it enacted*, That nothing in this act shall prevent the sale of burial lots or plots to persons other than residents of the city of Hoboken by the board of trustees, as they may deem advisable; and they shall cause to be published in two of the newspapers published in Hoboken, once in each year, a detailed statement of their acts as such trustees.

Repealed.

7. *And be it enacted*, That all the provisions of the act entitled "A further supplement to an act entitled 'An act to incorporate the city of Hoboken,'" approved the twenty-eighth day of March, eighteen hundred and fifty-five, which supplement was approved the eighth day of February, eighteen hundred and sixty-two, so far as the same provides for the care and management and control of the said cemetery grounds being placed and confided in the mayor and council of the city of Hoboken, and all other provisions of the said supplement inconsistent with the provisions of this act be and the same are hereby repealed.

8. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 9, 1868.

FIRE DEPARTMENT.

An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants of the township of Hoboken, in the county of Hudson, between the ages of twenty-one and fifty-five years, be and are hereby created and declared to be a body politic and corporate, under the name and style of The Fire Department of the township of Hoboken, in the county of Hudson. Style of incorporation.

2. *And be it enacted*, That the said inhabitants shall have power at any time hereafter to form such and so many fire engines, hose, hook and ladder companies as they may deem desirable for the purpose of protecting the property of said township from damage or destruction by fire; *provided*, not more than one fire engine company be formed to every three thousand inhabitants of said township, and that every such company be composed of not more than fifty men; *and provided also*, not more than one hook and ladder or hose company be formed to every six thousand of said inhabitants, each to be composed of not more than twenty-five members. Formation of fire companies authorized. Proviso. Proviso.

3. *And be it enacted*, That the legal voters of said township shall, on the second Monday in April next, at the annual town meetings of said township and annually thereafter elect, by plurality of votes, seven persons as trustees of the corporation hereby created, who shall hold their office for the term of one year and until others are chosen in their stead, and that the present trustees elected under an act entitled "An act to incorporate Hoboken Fire Company Number One," ap- Election of trustees.

proved February twenty-eighth, one thousand eight hundred and forty-nine, shall be the trustees of this corporation until the first trustees are elected under this act, and the said trustees now elected or hereafter to be elected by a majority of their number, shall have power to grant, or annul, a certificate of membership of either of said fire engine, hook and ladder or hose companies, and that such certificate shall be necessary to constitute membership of any such company. No certificate shall be given at any time to honorary members.

Property vested in trustees.

4. *And be it enacted*, That the estate, both real and personal, now belonging to the corporation, created by the act in the last section referred to or hereafter to be acquired under this act, is hereby vested in said trustees and their successors in trust, always for the benefit of said corporation hereby created, the said trustees may, from time to time, make and enforce such by-laws and regulations for the acquisition, management and control in furtherance of the object of his corporation, as they shall deem expedient; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this State; a majority of said trustees shall constitute a quorum for the transaction of business.

Proviso.

Tax may be raised.

5. *And be it enacted*, That the inhabitants of the township of Hoboken aforesaid, be and they are hereby authorized at their annual town meeting, to vote for, assess and collect, in the same manner that the other taxes of said township are voted for, assessed and collected, any sum of money not exceeding twenty-five hundred dollars annually, which money, when collected, shall be paid over by the collector of said township to the chairman of said board of trustees, and take his receipt for the same, as a sufficient voucher, which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining

and preserving the engines, engine house, cisterns or reservoirs of water, ladders, buckets, fire-hooks, and all necessary implements and machines, and to the purchase of real estate necessary for such houses and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

General powers.

6. *And be it enacted*, That the said corporation shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto defending and being defended, in all courts of judicature whatsoever, and may have and use a common seal and have power to make and alter the same at pleasure, and by their common seal may make, enter into and execute any contract or agreement, touching and concerning the objects of said corporation.

Election of chief engineer.

7. *And be it enacted*, That duly constituted members of said department (of which the present members of said Hoboken Fire Company Number One, duly commissioned, shall be members during the continuance of their present commission) shall have power to elect, by plurality of votes, a chief engineer of said department, who shall hold his office for one year and until another shall have been chosen to succeed him, his election having first been confirmed by a majority of said trustees; *provided*, he may be, at any time, be removed, if desired by two-thirds of said members, in which case, and upon the request of two-thirds of said members a new election shall be held to supply his place.

Proviso.

Vacancies.

8. *And be it enacted*, That vacancies in the said board of trustees, occasioned by death, removal or refusal to serve shall be filled by the remaining trustees.

Firemen exempting from jury duty.

9. *And be it enacted*, That all persons, during the period of their actual membership of either of the companies organized in and by said department, shall be exempt from serving as jurors in all courts of Hudson county, and also from all militia duty and military tax

in time of peace, and all persons having served as a member of said department for the period of ten years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county.*

Former acts repealed.

10. *And be it enacted*, That said act entitled "An act to incorporate Hoboken Fire Company Number One," and an act entitled supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, and to establish in said county a new township to be called the township of Hoboken," approved March eighteenth, eighteen hundred and fifty-two, and all other acts or parts of acts inconsistent with this act be and the same are hereby repealed.

List of members to be filed.

11. *And be it enacted*, That the president of said trustees shall file a true and correct list of all the members of each fire company in said township, within twenty days after his election, in the office of the clerk of the county, under a penalty of one hundred dollars for neglect of such duty, and which said penalty may be recovered from such president in action of debt in the name of the township of Hoboken for the benefit of said township.

12. *And be it enacted*, That this act shall go into effect immediately.

Approved March 15, 1854.

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* See supplement, Approved March 4th, 1856

CHAPTER LXIII.

A supplement to an act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section nine of the act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four, be and the same is hereby repealed, and that the following be inserted in its place as section nine of said act: "*And be it enacted,* That every person who, on the first day of May next, shall have been a fireman in the township of Hoboken for the term of five years or more, and who shall serve as such two years thereafter, and every person who, on the first day of May next, shall have been such fireman for a less period of time than five years, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such fireman after the passage of this supplement, and shall serve as such for seven years thereafter, shall be exempted from serving as a juror in any of the courts of this state, and from all militia duty and military tax in time of peace; and all persons having served as a member of said department for the period of seven years, and having received a certificate from the council of the city of Hoboken of such service, shall be forever exempt from such militia duty and tax, except in case of war, invasion or insurrection.

2. *And be it enacted,* That so much of the act to

Part of former act repealed.

which this is a supplement as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Approved March 4, 1856

CHAPTER XXXI.

A further supplement to an act entitled "An act to incorporate the Fire Department of the township of Hoboken, in the county of Hudson," approved March fifteenth, eighteen hundred and fifty-four.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of said act is hereby repealed.

City Council may authorize formation of fire companies, &c.

2. *And be it enacted*, That the council of the city of Hoboken shall have the power to authorize the formation of so many fire engine, hose, and hook and ladder companies as they may deem desirable, for the purpose of protecting the property in said city from damage or destruction by fire; *provided*, that no engine company shall be composed of more than fifty men, or hose or hook and ladder company of more than forty members.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1859.

CHAPTER LV.

An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen, of the city of Hoboken, and also their widows and orphans.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Mount, Joseph W. Stickler, Charles E. Bailliere, Charles T. Perry, J. Freeman Silke, Peter Ritter, junior, Peter J. Powless, John Cloyd and John W. Vanboskerck, be and they are hereby constituted and made a body politic and corporate in fact, name and law, by the name of "The Trustees of the Hoboken Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of, for the purpose of the said corporation; *provided always*, that the principal sum of said estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

General powers.

Proviso.

Objects of incorporation.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may, in the opinion of the board of trustees, require assistance, in con-

formity with the following provisions: all firemen being indigent and infirm, and all firemen who have been disabled, and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen, shall be entitled to relief from the said corporation.

Board of trustees.

3. *And be it enacted*, That the board of trustees shall consist of three persons from each engine, hose and hook and ladder company of the city of Hoboken, together with the chief engineer of the fire department of Hoboken, two-thirds of whom shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

Proviso.

Election of trustees.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company; and at the first election after the passage of this act, each company shall elect three trustees; whom the board of trustees, at their first meeting after any such election, shall divide by lot into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and another at the expiration of the third year; and that at every election thereafter, the said companies shall respectively elect one person as trustee, who shall hold such office for three years; and in case of death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term, by the company he represented in said board.

Officers of association.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall, from among

their number, choose by ballot, a president, vice-president, secretary and treasurer, and in case of any vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

Certificate of membership to be given to chief engineer.

6. *And be it enacted*, That the mayor and council of the city of Hoboken shall deliver to the chief engineer of the fire department of said city, all certificates of membership granted by them; and the chief engineer shall countersign each certificate, upon the receipt of two dollars from the person entitled to the same, and no person shall be considered a member of the Hoboken fire department, until his certificate is countersigned as above; and in case of any member being transferred from one company to another, he shall pay the chief engineer the sum of fifty cents; *provided*, such transfer takes place within sixty days after leaving such company.

Proviso.

Moneys to be invested.

7. *And be it enacted*, That all moneys at any time received by the treasurer, shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees, as part of the permanent fund, in such manner as in their judgment may be most beneficial to the interests of the corporation.

Principal of fund not to be impaired.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

Treasurer to give bond.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of this office.

Property not to be taxed.

10. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes

designed by this act, shall not be subject to the imposition of any tax.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Part of former act repealed.

12. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the Senate and general Assembly may, at any time hereafter, amend, repeal, or modify this act, as they shall think proper. Limitation. Proviso.

Approved March 11, 1857.

CHAPTER CCLXIX.

A supplement to an act entitled "An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hoboken, and also their widows and orphans," approved March eleventh, one thousand eight hundred and fifty-seven.

Trustees shall have power to make by-laws, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, created by the act to which this act is a supplement, shall consist of two trustees from each engine, hose and hook and ladder company, and the exempt fire companies of the city of Hoboken, together with the chief engineer of the fire department, a majority of whom shall constitute a board for the transaction of business; and the said board of trustees shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem necessary for the purposes of said corporations; *provided*, that a majority of the trustees agree thereto, and the same shall not be inconsistent with this act or the laws of this State.

Proviso.

Election and time of meeting of trustees.

2. *And be it enacted*, That two trustees from each of the companies before named shall be elected from among the members thereof at the regular monthly meeting of each company held next after the passage of this act; and it shall be the duty of the presiding officer and secretary of each company to send a certified copy of the result of said election, signed by themselves as such officers, to the president of the present board of trustees, who shall, within thirty days after receiving said certificates of election, call said newly elected board of trustees together; and they shall, at their first meeting, proceed to divide said trustees into two equal

classes, one class to hold office for one year, and one class for two years, and annually thereafter, in the month of April, each company shall elect one trustee for the full term of two years; and in case of the death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term of such trustee by the company in which such vacancy occurred.

Amendment.

3. *And be it enacted*, That in the first section of the act to which this act is a supplement, the word "ten" shall be stricken out, and in lieu thereof, the words "twenty-five" be inserted.

Election of officers.

4. *And be it enacted*, That at the first meeting of said board, and annually thereafter, the trustees shall elect by ballot, from among their number, a president, vice-president, secretary and treasurer, who shall hold their respective offices for one year, or until others are appointed in their places; and in case of any vacancy in any of said offices, the board of trustees shall have power to fill the same for the remainder of the current term.

Repealed.

5. *And be it enacted*, That sections three, four and five of the act to which this act is a supplement be, and the same are hereby repealed.

6. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1871.

ACTS RELATING

TO

Supplying the City of Hoboken

WITH

WATER.

CHAPTER CLI.

An act to amend an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Mayor and council may contract for supply of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, be and they are hereby authorized to contract for, or make any other arrangement with any person or corporation, for the introduction of pure and wholesome water into said city, for domestic or other purposes, and provide for the payment therefor, whenever the assent of two-thirds of the votes cast at any annual charter election shall be in favor of the same; *provided*, that no contract or other arrangement shall be so made at a higher rate than the established water rates paid by the citizens of Jersey City; all provisions in the charter of the city of Hoboken conflicting with the foregoing are hereby repealed.

Approved March 14, 1856.

CHAPTER CXCIX.

An act to authorize the Water Commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof.

WHEREAS, under an act of the Legislature of this State, approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and the supplements thereto, the works therein authorized have been constructed, and the inhabitants of Jersey City thereby supplied with water; and it being represented to this Legislature that the inhabitants of the city of Hoboken, which said city became incorporated by virtue of an act of the Legislature of this State, approved March twenty-eighth, eighteen hundred and fifty-five, entitled "An act to incorporate the city of Hoboken," are desirous of using water supplied as aforesaid within their corporate limits, and power is desired to enable the water commissioners of the city of Hoboken to make contracts with the water commissioners acting under the authority of the first named acts, to introduce water into the said city of Hoboken, for the use of the people thereof, and also desire the power to raise money necessary for the accomplishment of such purposes; now, therefore, Repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Charles, John M. Board, Charles Clinton, John Irelands, and Edgar Broadhead, and the chairman of the council of the city of Hoboken for the time being, shall constitute the Board of water commissioners.

board of water commissioners of the city of Hoboken, and their successors in office, hereby are authorized and empowered to make and enter into such contracts, arrangements, and agreements, as in their discretion may be deemed advisable, and as may be agreed upon with the water commissioners for the time being holding office under the said act entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and the supplements thereto, to enable said commissioners to introduce water into the city of Hoboken, for the use of the inhabitants thereof.

Duties and powers of commissioners.

2. *And be it enacted*, That the said water commissioners of the city of Hoboken, and their successors in office, are authorized and empowered to make such rules and regulations as may be necessary and expedient with reference to the laying of pipe in streets, the mode of using water, and the terms upon which the same shall be used, the collection of water rents, and the enforcement of such collection; and to make all contracts, agreements and engagements as may be deemed expedient, with reference to the purchase of materials, the purchase or use of lands and premises, the doing of work, and the employment of engineers, clerks, and agents, as may be deemed advisable or proper to carry out the purposes and intents of this act; all lands and real estate which may be purchased, held or taken, under the provisions of this act, shall be taken in the name of the mayor and council of the city of Hoboken.

Water commissioners may issue bonds.

3. *And be it enacted*, That the water commissioners of the city of Hoboken, for the purpose of enabling them to defray all the costs and expenses that may be incurred under the provisions of this act, shall have authority to issue, in the corporate name of the mayor and council of the city of Hoboken, notes, bonds, scrip or certificates of debt, to be denominated on the face,

"Hoboken City Water Scrip," to an amount in the whole not exceeding sixty thousand dollars, bearing an interest not exceeding seven per cent. per annum, and the said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than ten, or more than twenty years from date; and the said commissioners may sell the same at public or private sale, at such times as the proceeds thereof may be required for the purpose of carrying out the objects of this act, or may pledge the same at the same rate of interest, if deemed necessary or advisable, which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof, which said notes, bonds, scrip, or certificates of debt, shall be signed by the mayor of said city, and sealed with the corporate seal, and countersigned by said commissioners, or a majority of them, and a record of all such notes, bonds, scrip, or certificates of debt, shall be kept by the said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Hoboken, and the said corporation, and all the real estate within the corporate limits of the said city, and all chattels belonging to any person or persons, or corporation, residing or being within the said city, shall be made liable for the principal and interest due, or to become due on such notes, bonds, scrip, or certificates of debt.

Mayor and council authorized to raise money by tax.

4. *And be it enacted*, That the said the mayor and council of the city of Hoboken are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in such mode or manner as is now prescribed by their charter, such additional sum or sums as may be deemed necessary or advisable, to pay the principal or interest of said notes, bonds, scrip, or certificates of debt, and such additional tax shall be so assessed as to be known and designated as a water tax, distinct from other taxes, and all moneys

received by the commissioners shall be deposited by them in some bank or banks of good credit, in the state of New Jersey, or the city of New York, and be made payable to the joint order of the president, and at least two other members of the board.

Terms of office of commissioners.

5. *And be it enacted*, That the above named commissioners, and the chairman of the board of councilmen of the city of Hoboken, for the time being, shall constitute the first board of water commissioners, and the said commissioners shall elect annually one of their number to be president of the board, and shall determine, by lot or otherwise, the terms during which the five of the number, other than the chairman of the board of councilmen, shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, one four years, and one five years, all to be computed from the first day ot May next ensuing, and the chairman of the board of councilmen, for the time being, shall, ex-officio, be one of said board.

Annual election of commissioners.

6. *And be it enacted*, That at the charter election to be held in said city of Hoboken, in the year eighteen hundred and fifty-eight, and every year thereafter, there shall be elected one commissioner, who shall hold his office for five years next ensuing such election, and any vacancy that shall occur in said board of commissioners, by death, resignation, or otherwise, shall be filled by the council of the said city of Hoboken; but the person or persons so appointed to fill such vacancy, shall only hold his or their office until the next charter election, and each commissioner, except the chairman of the board of councilmen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond for ten thousand dollars, with two good and sufficient sureties, to the mayor and council of the city of Hoboken, and to be approved by

said mayor and council, for the faithful performance of their duties as such commissioners; *and be it further enacted*, that no councilman of the said city of Hoboken shall be eligible as a water commissioner, when holding office, except the chairman of the board as aforesaid.

Commissioners not to receive compensation.

7. *And be it enacted*, That the said commissioners shall not be entitled to take or receive any compensation for their services; but there shall be paid such and all reasonable travelling expenses, incurred while employed upon the works, which shall be paid out of any moneys raised and appropriated for the construction of the water works of the city of Hoboken.

Commissioners may be removed from office.

8. *And be it enacted*, That the mayor and council of the city of Hoboken, shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said council shall concur in such removal.

No water to be used except by contract with commissioners.

9. *And be it enacted*, That the said water introduced and supplied by virtue of the said act, entitled an act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, and the supplements thereto, shall not be taken or used by the mayor and council of the city of Hoboken, or their officers or agents, except by express contract with the said commissioners, acting under the authority of the said first mentioned act.

Part of former act repealed.

10. *And be it enacted*, That all such parts of the act entitled "An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and

fifty-five," as are inconsistent with the provision of this act, are hereby repealed.

Public act.

11. *And be it enacted*, That this act is a public act and shall take effect immediately.

Approved March 20, 1857.

CHAPTER CXLVIII.

Supplement to an act entitled "An act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city, and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Assessment of water rents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the water commissioners of the city of Hoboken, shall from time to time fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon, in which Passaic water is not taken, and also upon lots or buildings where the water is taken, if the same are situated upon any road, street, avenue, lane, alley or court in the city of Hoboken, through or in which pipes for distributing the water are laid; which prices and sums so fixed and assessed shall be denominated water rents, of the time of payment of which the commissioners shall give at least thirty days' public notice, by advertisement in a newspaper printed in Hoboken and also the penalties to be incurred for delaying the payments beyond the time so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith, and on and after the twentieth day of December, in each year, the water commissioners shall deliver to the mayor and council of said city a certified account of all the water rents all penalties remaining unpaid at that date, and the council shall order the same to be delivered into the hands of the collector of the arrears of taxes of said city, who shall charge interest thereon, at the rate of twelve per cent. per annum, and five per cent., for collections, and is empowered to proceed in the collection of the said rents

and penalties in the manner and form prescribed by the charter of the city of Hoboken, for the collection of the arrears of taxes, and the amount of such arrears and interest, when collected, shall be paid to the treasurer of the said water commissioners, by the said collector of arrears; and the said collector of arrears, on the first day of May succeeding the time when the certified list of the rents and penalties, remaining unpaid, shall have been delivered to him by the said council, shall deliver to the city clerk a certified copy of all rents and penalties remaining unpaid at that date, together with the interest and expenses due thereon; and the council of said city shall proceed to advertise and sell the lands and premises liable to such rents and penalties in the manner and under the same terms and conditions as prescribed in section forty-eight of the charter of said city; and in the event of the purchase of any lands or tenements by the treasurer of said city on behalf of the city, then the said treasurer shall immediately pay over to the treasurer of the water commissioners the amount of rents and penalties for which the same may be sold; all moneys received by payments or sales by the said collector of arrears, shall be by him paid over to the treasurer of the water commissioners.

Part of former act annulled.

2. *And be it enacted*, That the words, "and all chattels," where they occur in section third of said act, are hereby annulled and shall be taken to be of no effect in the collection of the interest of the water bonds of said city.

Commissioners authorized to prosecute, &c.

3. *And be it enacted*, That the said commissioners may prosecute or defend any action or process of law, or in equity, by the name of the water commissioners of Hoboken, against any persons for money due for the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any prom-

ise or contract, made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, pipes, machinery, or other apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water.

Penalty for injuring works.

4. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof from the said works, or shall corrupt or render the same impure, any pipe, machinery or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both at the discretion of the court, and nothing in this act or the act to which this is an amendment, shall be construed to exclude any inhabitant of the city of Hoboken from being a witness in any prosecution authorized by this act.

Annual report to be made.

5. *And be it enacted*, That the commissioners shall on the first Tuesday in May of every year make a report to the mayor and council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same; they shall also publish the same in the newspaper published in the city of Hoboken, having the largest *bona fide* circulation of said city.

Part of former act repealed.

6. *And be it enacted*, That the powers conferred upon the mayor and council under the eighth section of the act to which this is a supplement, be and the same are hereby repealed, vested in and may be exercised by any justice of the supreme court at chambers, who, for conducting and determining the proceedings, shall

be paid by the treasurer, out of the contingent fund of said city, a reasonable compensation.

Public act.

7. *And be it enacted*, That this act shall be taken to be a public act and take effect immediately.

Approved March 16, 1859.

CHAPTER CCXCII.

A supplement to "An act to authorize the Water Commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Publication of proceedings and statement of receipts and expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of water commissioners are hereby required to cause to be published the proceedings at their several meetings as they take place; and at the expiration of each and every financial year they shall cause to be made out a full and detailed statement of all the receipts and expenditures for the year last past, and after attesting the same by their authorized clerk, cause the same to be published; said publication of proceedings and annual statement to be made in the newspapers published in said city of Hoboken, now designated to publish the laws of this state.

Register of board of water commissioners.

2. *And be it enacted*, That at the annual charter election to be held in said city of Hoboken in the year eighteen hundred and sixty-eight, and every third year thereafter, there shall be elected a register for said board of water commissioners of the city of Hoboken, who shall hold his office for three years next ensuing such election, and any vacancy that shall occur in said office shall be filled by the said water commissioners, but the person so appointed to fill such vacancy shall only hold his office until the next charter election, when an election shall be held to fill said office for the unexpired term thereof, and hereafter the said board of water commissioners shall have no power to appoint any person to fill said office of register, except in case of

Proviso. vacancy as above; *provided, however*, that said register so elected shall be subject to the rules and regulations of the board of water commissioners and be removable by said board for cause by them deemed sufficient.

Register shall give bond. 3. *And be it enacted*, That the said register hereafter to be elected shall give a bond with two good and sufficient sureties to the city of Hoboken in its corporate name, in the sum of ten thousand dollars, for the faithful performance of his duties.

Repealed. 4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 2, 1868.

CHAPTER LXXXVIII.

A further supplement to an act entitled "An act to authorize the Water Commissioners of Hoboken, to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

May issue bonds and certificates of indebtedness to an increased amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the Water Commissioners of the city of Hoboken to defray the expenses which may be incurred in extending their water pipes throughout the city, the notes, bonds, scrip or certicates of debt, which they are authorized to issue by the provisions of the third section of the act to which this is a supplement, may be extended to an amount in the whole not exceeding one hundred thousand dollars.

Proceedings published.

2. *And be it enacted*, That the proceedings of the several meetings of the board of water commissioners shall be published only in the newspaper published in the city of Hoboken having the largest bona fide circulation in said city.

Annual assessment of water rents.

3. *And be it enacted*, That the annual assessments of water rents provided for by the first section of the supplement of the act to which this is a supplement, approved March first, eighteen hundred and fifty-nine, shall be extended to all lots and buildings where the water is taken by private pipes, wheter the same are situated upon any road, street, avenue, lane, alley or court in the city of Hoboken, trough or in which pipes for distributing the water are laid or not.

Repealed.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts, or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 2, 1869.

CHAPTER XLVI.

A further supplement to an act entitled "An act to authorize the Water Commissioners of Hoboken to contract for and introduce water into said city and provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven.

Repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof," in the third section of the act to which this is a supplement, be stricken out of said section; *provided*, that whenever the said commissioners shall sell any of the said notes, bonds, scrip or certificates of debt for less than the par value thereof, they shall first advertise the time and place of such sale in a newspaper printed and published in the city of Hoboken for at leas one week next before said sale and in such case the same shall be disposed of by sealed proposals or at public sale, to the highest bidder.

Proviso

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1870.

ACTS PROVIDING

FOR THE

Drainage of Lowlands

IN

CITY OF HOBOKEN

AND

Township of WEEHAWKEN.

CHAPTER CCCCXII.

An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken.

Preamble.

WHEREAS, the council of the city of Hoboken for the purposes of this act have named as commissioners William W. Shippen, John M. Board and Newman A. Wood and the Town Committee of the township of Weehawken have named as commissioners Joshua J. Benson and Ebenezer Flynt; therefore.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, John M. Board and Newman A. Wood, of the city of Hoboken, and Joshua J. Benson and Ebenezer Flynt, of the township of Weehawken, be and they are hereby appointed commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken; that the term of office of each of said commissioners shall continue for five years from the date of the passage of this act, and the council of the city of Hoboken and the town committee of the township of Weehawken shall have power at any time for cause, to remove any commissioners from office, and whenever any commissioner hereby or hereafter to be appointed shall remove from said city or township, he shall cease to act as commissioner and his office shall be deemed to be vacant; any vacancy in the commission, no matter from what cause occuring shall be filled by the council of the city of Hoboken, if the vacancy occurs in the commissioners from said city and by the town committee of the township of Weehawken, if the vacancy occur from said township.

2. *And be it enacted*, That the said commissioners shall be and they are hereby empowered to use a common seal and shall be known by the name of "commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken," and in that name may sue and be sued, implead and be impleaded in any court of competent jurisdiction, and said commissioners shall have power to reclaim and drain any of the low lands lying in the city of Hoboken and township of Weehawken, said improvement to be done as nearly as practicable, in accordance with two certain maps made by Robert C. Bacot of Jersey City and Levi W. Post of Hudson City, dated 1st February, 1866, one for sewerage and one for grades of the lands known as the lands of the estate of John G. Goster, deceased in the city of Hoboken, which said maps are hereby established and confirmed together with the monuments shown thereon; *provided*, the same shall be filed by the owners thereof in the office of the clerk of the city of Hoboken, and said commission shall have power to construct, maintain, manage and use all dykes, dams, tide banks, ditches, drains, sluices, sluice gates, engines, pumps, and all other works, structures and machinery necessary, useful or convenient to reclaim and drain said low lands or any part thereof; they shall also have power to employ a competent surveyor and engineer and such other agents and officers as they may dem necessary, make or cause a map or maps to be made of said low lands or any part thereof, file the same in the office of the clerk of the city of Hoboken, cause descriptions and specifications of the work or any part thereof to be prepared, advertise for proposals to perform said work or any part thereof and contract with any person for the performance of said work or any part thereof, issue improvement certificates in payment therefor, payable at such time or times as they may therein designate, take bonds with sufficient

Corporate name.

sureties from any officer, agent or contractor employed by said commission for the faithful performance of any duty or work entrusted to them, and generally to do every act and thing necessary to complete and maintain a proper drainage of said low lands or any part thereof; and three of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter delegated to or enjoined under said commission.

Commissioners to make assessments.

3. *And be it enacted*, That said commissioners after making the contract provided for in the preceding section, and after draining of said lands or any part thereof shall have been completed according to said contract, shall assess upon the said lands so drained and upon all the lands in said city and township benefited thereby and upon any corporation benefited thereby, a just proportion of the expenses of said commission, and shall cause the same to be collected by such officer and in such manner as they shall determine; and said commissioners may, if they deem it advisable, file in the clerk's office of the city of Hoboken an assessment map showing all the lands assessed for said improvement, the owners thereof if the same, as near as can be ascertained, and the amount of assessment on each plot of land as shown on said map.

Assessments to be a lien on lands.

4. *And be it enacted*, That the said commissioners within one month after the draining of said lands or any part thereof shall have been completed according to said contract, shall file a list of their unpaid assessments on said lands in the office of the clerk of the city of Hoboken, and said assessments shall thereupon become a lien on said lands until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and said lien shall have precedence of all other liens on said lands, tenements or real estate, and on forclosure of any mortgage on said lands or sale of said lands under any judgment, the said

unpaid assessment thereon shall be first paid out of the proceeds of sale; in default of payment for the space of two months thereafter, said lands, after four weeks' advertisement in a public newspaper in the city of Hoboken, shall be sold at public sale for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said assessment or the balance thereof remaining unpaid, and interest thereon at the rate of twelve per centum per annum from the date of filing said list of unpaid assessment in the said city clerks's office; and the expenses of said sale; *provided*, any of said lands so sold may be redeemed from such sale by the owner or owners thereof within two years after the sale, by paying to the clerk of the city of Hoboken for the benefit of the purchaser thereof, the sum paid by the said purchaser at said sale, with interest thereon at the rate of fifteen per centum per annum, and said commissioners, under the hand of their president and the seal of said commission, immediately after said payment shall file with the clerk of said city of Hoboken, a certificate stating that the said assessment has been paid, and directing it to be cancelled by said clerk, and thereupon on receiving said certificate said clerk shall file the same in his office and mark said assessment paid and cancelled; if any of said lands are not so redeemed as aforesaid within two years from the date of the sale thereof, then the said commissioners under the hand of their president, attested by the seal of said commission, shall execute leases to the purchasers, their heirs and assigns, at their request, of said unredeemed lands for the number of years for which the same shall have been sold as aforesaid, and said lease shall be acknowledged or proved so as to entitle it to be recorded; and the said purchasers shall by virtue thereof lawfully hold, use, enjoy and possess such lands so sold during the full term for which said

sale shall have been made; the sale of lands, tenements and hereditaments hereinbefore referred to or any portion thereof may be adjourned, postponed or continued, from time to time, or suspended, as the said commissioners may direct.

Commissioners may survey and explore.

5. *And be it enacted*, That it shall be lawful for the said commissioners, their agents, engineers, superintendents, or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, tide banks, ditches and drains as shall be found necessary, and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such dykes, dams, tide banks, ditches, drains and the location of sluices, and other necessary works and structures shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the clerk of the city of Hoboken, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided; Proviso. *provided always*, that the payment or the tender of the payment of all damages for the occupancy of the lands through or upon which said dykes, dams, tide banks, ditches, drains, sluices and other works or structures may be laid out or located, be made before the said commissioners, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying

out said dykes, dams, tide banks, sluices, ditches, drains, and other works or structures unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when commissioner and owners cannot agree.

6. *And be it enacted*, That if the said commissioners or its officers, or its agents, cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said dykes, dams, tide banks, sluices, ditches, drains and other works and structures, shall be given in writing, under the oaths or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than one week and not more than one month, and to assign a particular time and place for the appointment of the commissioners mentioned, at which time, upon satisfactory evidence to him of the service, or publication of service, or publication of such notice aforesaid, he shall appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situate and bounded, in

writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein said lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said commissioners, and they shall find a greater sum than the said commissioners, then judgment shall be given against said commissioners; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said commissioners shall be deemed to be seized and possessed in fee simple of such lands and real estate appraised as aforesaid; but such application shall not prevent the said commissioners from taking the said land upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusul to receive same upon a tender thereof, or (the owner or owners

thereof being unknown or out of the state or under legal disability) the same being first paid into the court of chancery.

May borrow money.

7. *And be it enacted*, That said commissioners shall have power to borrow money and issue bonds in payment therefor, bearing interest at the rate of seven per centum per annum, and said bonds shall be paid out of any moneys collected by the said commissioners under this act; the said bonds shall be signed by the president and sealed with the seal of said commission, and shall be payable at such time or times as said commission may deem proper.

Commissioners to make oath.

8. *And be it enacted*, That no commissioner shall enter on the duties of his appointment until after he shall have taken and subscribed an oath faithfully and impartially to perform the duties required of him by this act; and the clerk of the city of Hoboken is hereby required to record said oath, and also record or file, as requested, all maps, certificates and papers relating to the improvement specified in this act prescribed to him for that purpose by either of said commissioners, and he shall endorse a certificate of such recording or filing on such maps, certificates and papers.

Duties of treasurer.

9. *And be it enacted*, That the said commissioners shall designate one of their number as president, and one as treasurer of said commission, and all moneys collected by said commission, or any of its officers or agents, shall be paid to said treasurer, who shall, before entering upon the duties of his office as treasurer, give bonds in the penal sum of ten thousand dollars for the faithful performance of his duties, and he shall not pay out any money unless upon the written order of two of said commissioners, of whom the president shall be one.

10. *And be it enacted*, That this act shall be deemed to be a public act and take effect immediately.

Approved April 4, 1866.

CHAPTER CCCC.

A supplement to an act to provide for the drainage of certain lowlands lying in the city of Hoboken, and the township of Weehawken, approved April fourth, eighteen hundred and sixty-six.

Section one of original act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended by increasing the number of commissioners named therein to nine, four of whom shall be residents of the lowlands included in said original act, and lying in the city of Hoboken, and that the following persons be and they are hereby appointed said additional commissioners, namely, John M. Leicht, Jacob Duryea, Warren Conklin and Joseph Thomas; and said commissioners shall hold their office for the time specified in said section, and be subject to all the provisions of the act to which this is a supplement, and any vacancy in their number shall be supplied in the manner prescribed therein.

Names of additional commissioners.

Work to be done by contract.

2. *And be it enacted*, That all work done by said commissioners shall be by contract, and the contracts shall in all cases be awarded to the lowest bidder, on his giving proper security for the performance thereof.

Repealed.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved April 9, 1867.

CHAPTER DXLIV.

A further supplement to an act entitled "An act to provide for the drainage of certain lowlands lying in the city of Hoboken and the township of Weehawken.

WHEREAS, in carrying out the intention of said act, the board of commissioners are forced to keep an outlet for the water across the lands of the Morris and Essex Railroad Company, and the building of the proper drain boxes can only be done from time to time as the said lands may be filled in by said railroad company, and no contract can be made with any other parties for building the same; and an arrangement having been agreed upon between the said commissioners and the Morris and Essex Railroad Company, securing the right of discharge for said water and the building of said drain boxes and maintenance of sluices upon fair and equitable terms; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agreement entered into between the said board of commissioners and the Morris and Essex Railroad Company is hereby validated, and made as effectual to all intents and purposes as if the same had been made under the provisions of the act to which this is a supplement. Agreement made valid.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately. Repealed.

Approved April 21, 1868.

CHAPTER DLXIII.

A supplement to an act entitled "An act to provide for the drainage of certain low lands lying in the city of Hoboken, and the township of Weehawken," approved April fourth, eighteen hundred and sixty-six.

Restraining Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under and by virtue of the act to which this is a supplement, and the several supplements thereto, shall not have power to make any further improvements or contracts for improvements on the said low lands lying in the city of Hoboken and the township of Weehawken.

Commissioners to close up business.

2. *And be it enacted*, That said commissioners shall proceed to settle up the business and affairs of said commissioners and shall complete such settlement on or before the first day of January, eighteen hundred and seventy.

Make a report to council.

3. *And be it enacted*, That it shall be the duty of said commissioners to make a report in writing to the council of the city of Hoboken showing what work has been done by said commissioners, the cost thereof, also of all moneys received by said commissioners, and how the same has been expended, also showing the indebtedness of said commissioners and to whom they are indebted, which report shall be filed with the city clerk of the city of Hoboken in his office on or before the first day of May next after the passage of this act.

4. *And be it enacted*, That said commissioners shall not have power to do any act or thing except to settle up the affairs of said commissioners pursuant to the act to which this is a supplement.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1869.

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TO

The General Acts of the Legislature Concerning Cities.

CAUTION.— The general acts of the legislature relating to cities contained in this compilation, commencing on page 213, *conflict in many instances with the provisions of the charter of Hoboken; some of them are perhaps invalid and unconstitutional. Nothing should be done pursuant to or in conformity with them without first consulting competent counsel.*

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CITY ORDINANCES

NOW IN FORCE,

PASSED BY

The Mayor and Council

OF THE

CITY OF HOBOKEN,

FROM MARCH 28th, 1855,

TO

APRIL 1st, 1883.

COMPILED AND PUBLISHED

BY AUTHORITY OF

The Mayor and Council

OF

THE CITY OF HOBOKEN.

EDWIN J. KERR, 4 PARK PLACE, NEW YORK.

1883.

CITY ORDINANCES.

CARTS AND EXPRESS WAGONS.

An ordinance to license and regulate carts in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

Licenses. SECTION 1. The mayor of the city of Hoboken, for the time being, shall from time to time issue license under his hand attested by the city clerk and the seal of the city to so many persons, as he shall think proper, to keep carts for hire in said city, and have power to revoke all or any of said licenses.

Who shall be licensed. SEC. 2. No person who is not the owner of one or more good horses and sufficient cart or carts, and a resident of the city of Hoboken, shall be licensed as aforesaid.

Expiration of license. SEC. 3. All licenses to owners of carts shall expire on the first Monday in June next after the date thereof.

Transfer of license. SEC. 4. If the owner of any cart who may have received a license shall sell or dispose of the same before the expiration of such license, such licensed owner shall within ten days after such sale report the same to the city clerk, who shall be authorized with the consent

of the mayor to transfer such license to the purchaser thereof, on the payment of twenty-five cents to the city clerk. Every owner of such cart who shall neglect to report any such sale to the clerk shall forfeit and pay the sum of five dollars.

Number.

SEC. 5. Every license shall state the number for which the same is granted, which number shall be painted in white figures and black ground, and be placed on the outside of the right shaft of such cart.

License fees and register.

SEC. 6. Every person who may be licensed as aforesaid shall pay to the mayor for each cart such person shall keep for hire the sum of three dollars for the use of the city, and one for the clerk, who shall provide a book, to be known as "The Register of Carts," in which it shall be his duty to record the name of the person licensed, the date of such license, the number of such cart, and when the license will expire.

Penalty.

SEC. 7. Every person who shall keep any cart for hire in said city without being licensed as aforesaid, shall be liable to the penalty of five dollars for every day such unlicensed cart shall be used, to be recovered in the name of the city with costs.

Cartage fees.

SEC. 8. No cartman licensed as aforesaid shall demand or receive more than twenty-five cents for the cartage of any one load or part of a load in the city of Hoboken, under the penalty of five dollars for each offence, except for the cartage of household furniture.

Penalty.

Passed August 22, 1855.

SAMUEL W. CAREY, City Clerk.

Approved September 1, 1855.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to license and regulate carts in the city of Hoboken" passed August 22, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The second section of an ordinance entitled "An ordinance to license and regulate carts in the city of Hoboken" passed August 22nd 1855 is hereby amended so as to read as follows:

SEC. 2. Any person or persons, upon satisfactory proof being offered that they are citizens of the United States, the actual owners of the cart or carts, with good horses therefor, and that they are competent and proper persons to transact and do business as cartmen or truckmen, shall be licensed as aforesaid.

Passed May 14, 1878.

ROBERT H. ALBERTS, City Clerk.

Approved May 15, 1878.

E. V. S. BESSON, Mayor.

An ordinance to regulate and direct manner of licensing express wagons, &c., in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That any person or persons intending to run any express wagon, or other conveyance for the conveyance of goods, chattels, effects, packages, money or property within the limits of said city by express, shall file with the clerk of said city a petition in writing setting forth the name or names and residence of the person or persons who are the owners thereof, the number of conveyances intended to be used by such person or persons, the places between which such conveyances are intended to be run, and the street and number of the place where such person or persons shall hold their office.

Petition for express license.

SEC. 2. That in addition to said petition the said person or persons so intending to apply for such license shall file with the said city clerk a bond to the mayor and council of Hoboken with one or more sufficient sureties, in the sum of one thousand dollars, conditioned for the due and proper delivery of all goods, chattels, money and property of every kind, and description entrusted to his or their care to the person or persons entitled to receive the same, and all other lawful duties and requirements by law imposed upon him or them as such expressman or expressmen.

Bonds.

SEC. 3. That the said council upon being satisfied with the sufficiency of said bond and the surety or sureties therein mentioned, may thereupon order that a license be given to the person or persons so applying for the same upon the payment of the fees and costs hereinafter mentioned.

License.

Filing of Bonds.

SEC. 4. That the said bond upon being approved by said council shall be filed by said city clerk in his office, and any person who shall suffer any loss by the carelessness, negligence or default of any such expressman giving the same, may bring an action on the same for the recovery of any damage or loss which he may sustain by reason of any negligence or default as aforesaid.

SEC. 5. That no person shall be employed by any person so obtaining a license as aforesaid to drive any express wagon or other conveyance for the carrying of express matter who shall be under twenty-one years of age, and who shall not have obtained a license from said council for that purpose

Fees & Costs.

SEC. 6. The following fees and costs shall be charged to and paid by the person or persons applying for such license under the provision of this ordinance to wit: To the said city for every wagon or other conveyance used for express purposes for each licence for one year the sum of ten dollars; to the clerk for making out said license and filing the petition and bond three dollars; for every license granted to each driver; to the said city the sum of one dollar, and to the clerk for making out the same, one dollar.

Penalty.

SEC. 7. That if any person or persons shall run or cause to be run within said city any express wagon or other conveyance for carrying express matter without having first obtained a license for that purpose, according to the provisions of this ordinance, shall be liable to pay a penalty of five dollars for each and every offence, and that if any person or persons shall drive any such wagon or other conveyance aforesaid without being possessed of the qualifications hereinbefore mentioned, or without having first duly obtained a license for that purpose, shall forfeit and pay a penalty of three dollars for each and every offence, to be sued for in the name of said city.

SEC. 8. If any person or persons shall run or cause to be run any wagon or other conveyance as aforesaid without having the name of the owner or owners or company or firm and number printed thereon, in legible characters, in some conpicuous part thereof, shall forfeit and pay the sum of three dollars, to be sued for and recovered in the same manner as mentioned in the preceding section.

Passed January 23, A. D. 1857.

SAMUEL W. CAREY, City Clerk.

Approved January 27, A. D. 1857.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance entitled an "Ordinance to regulate and direct the manner of licensing express wagons, &c., &c."

SECTION 1. That section six of a certain ordinance entitled "An ordinance to regulate and direct the manner of licensing express wagons," approved January 27, A. D., 1857, be and the same is hereby repealed, and that the following be substituted in lieu thereof: Substitute.

The following fees and costs, and no others, shall be charged to and paid by the person or persons applying for and obtaining each license, under the provision of the said ordinance, to wit: Express license fees.

To the city for every wagon or other conveyance used for express purposes for each license for one year, the sum of six dollars. City.

To the clerk for making out such license and filing the petition and bond, the sum of one dollar; for every license granted to each driver, to the said city the sum of two dollars and to the clerk for making out the same, the sum of one dollar. City clerk.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be, and the same are hereby repealed. Repealed.

Passed July 14, 1858.

A. O. EVANS, City Clerk.

Approved July 15, 1858.

JAMES H. WILSON, Acting Mayor.

FIRE DEPARTMENT.

An ordinance for the better regulation of the Hoboken Fire Department.

The Mayor and Council of the city of Hoboken do ordain as follows:

Fire Department.

SECTION 1. The Fire Department of Hoboken shall consist of one chief engineer, one assistant engineer, and as many firemen as are now or may hereafter become lawful members of the fire companies in said city. No person shall become a member of the Fire Department who shall be over fifty-five years of age, or under the age of twenty-one years, nor unless a citizen of the United States.

Age.

Citizen.

SEC. 2. The chief and assistant engineers shall be elected by the firemen by ballot from among their number, on the second Monday in May, between the hours of 8 and 9 P.M., at such place as the council may direct; and the secretaries from each company shall act as inspectors, before receiving the ballots they shall select from the members of the Fire department a clerk and then proceed to take the votes of the department, and the persons receiving the greatest number of votes for each office shall be declared elected, and the inspectors shall send to the council, at its first meeting after said election, a certified copy for their confirmation, and if such election shall be confirmed by the council, the persons so elected shall hold said offices until the next annual election, or the election and confirmation of their successors. But if the persons so elected be not confirmed by the council, then a new election shall be held, as in case of a vacancy. And in case of a vacancy at any time previous to two months preceding an annual election, the council shall order a

special election to be held, which shall be conducted in like manner.

Board of officers.

SEC. 3. In order to promote harmony among the members of the Fire Department, and to establish uniform rules and regulations in the several companies, and for the correct understanding and carrying out the provisions of this ordinance there shall be organized a board of officers of the Fire Department, which shall consist of the chief engineer, assistant engineer, and the foreman and assistant of each company. The chief engineer shall be chairman.

Qualification of chief and assistant engineers.

SEC. 4. The chief engineer shall, at the time of his election, be an acting fireman who shall have served at least two years in the Hoboken Fire Department, and the assistant engineer shall be qualified in like manner as the chief engineer.

Assistant engineer.

SEC. 5. The assistant engineer so elected and appointed shall, at all times, assist the chief engineer in the performance of his duties, and obey and enforce his commands when on duty at a fire. He shall be appointed, styled, and known as "Assistant Engineer," and in case of the absence of the chief engineer shall act as chief until the arrival of the chief engineer.

Sale of old fire apparatus.

SEC. 6. The chief engineer and a majority of the fire and water committee shall have power to sell for cash any old and condemned fire apparatus or implements deposited at the public yard, and shall pay the money received therefor to the city treasurer.

Duties of chief engineer.

SEC. 7. The chief engineer and assistant engineer shall be *ex-officio* a member of each company, but shall not be entitled to a vote. The chief engineer shall, in all cases of fire, have the sole control, to the exclusion of all other authority. It shall be his duty to direct the assistant engineer to arrange the several fire engines and other fire apparatus in the most advantageous manner, and to cause them to be duly worked for the

effectual extinguishment of fires. It shall also be the duty of chief engineer to examine, at least twice every year, into the condition and number of the fire engines and other fire apparatus, and fire apparatus houses, and to report the same to the council on the first Wednesday in November and May in each year, accompanied by a statement of the number of fires that have occurred during the preceding six months, and such particulars as he may deem proper, together with a record of the number of fires attended by him as chief, and also of the assistant engineer when acting as chief engineer in his absence. He shall also, between the tenth and twentieth day of April in each year, present to the council the names of all the members of the Fire Department, and the respective companies to which they belong; and it shall be the duty of the clerk of the council, within twenty days after the said returns shall have been presented to and confirmed by the council, to correct the register of the firemen in his office in accordance with said returns. It shall further be the duty of the chief engineer to present to the board of officers, at each of their stated meetings, such complaints against any firemen as may have been handed to him for presentation.

Firemen's register.

Complaints.

Repairs to fire apparatus.

Inspection of fire apparatus

Claims.

SEC. 8. The chief engineer shall take charge and superintend the construction and repairing of fire engines, hose carts, hooks and ladders, hose and other machines and apparatus for the use of the Fire Department. He shall inspect the fire engines, hose carts, hooks and ladders, hose and other machines, and apparatus for the use of the Fire Department, in connection with the fire and water committee, and, with their concurrence, shall repair the same forthwith. He shall examine and certify to the council all accounts for work done under his supervision, and as to the fulfillment or breach of any contract for work required to be done under his direction. No requisition shall be drawn for

any bills, accounts, or contracts for constructing or repairing fire engines, hose carts, hooks and ladders, hose or other machines and apparatus for the use of the Fire-Department, unless certified by the chief engineer of the Fire Department, but warrants shall be drawn for the payment of requisitions made in accordance with the provisions of this section.

Hoboken Fire Department Fund.

SEC. 9. The association organized by the members of the Fire Department for the relief of disabled firemen and the families of deceased and disabled firemen, and called "The Board of Trustees of the Hoboken Fire Department Fund," is hereby recognized and approved; and the council shall, on or about the first day of December, annually make an appropriation of not less than one hundred dollars for the benefit of the funds of the association, to be paid out of the moneys collected for the use of the Fire Department.

Appropriation.

Company officers.

SEC. 10. The members of each company shall choose from their number a foreman, assistant foreman, secretary, one trustee, and such other officers, not inconsistent with this ordinance, as their by-laws may require, to serve for one year, except the trustees, who shall be elected for the term of three years, or to fill a vacancy; and the said officers shall be chosen at a regular meeting of the company, or at a special meeting called for that purpose, in writing. Within thirty days after the election of the foreman, assistant foreman, secretary and trustee of any company, it shall be the duty of the secretary of said company to present a return of the names and residences of each and all of the persons so elected to the chief engineer, whose duty it shall be to present the same to the council at its next meeting thereafter; and it shall be the duty of the secretary of each company in the department to furnish to the chief engineer, on or before the fifteenth day of April in each year, a correct list of all the members of their respective

Roll.

companies, on the tenth of the same month, the said return shall state the name and residence of each and every member of the company.

SEC. 11. In going to or returning from a fire, the dragrope shall be the proper place for a fireman, except the officers in command, and it shall be their duty to prevent improper persons from taking hold of the rope. No person other than a member of the company, or exempt member of the Fire Department, known to at least two members of the company present, shall be allowed to manage or have control of the tongue or tiller of any apparatus in going to or returning from a fire, or alarm of fire. It shall be the duty of the officers and members of each company, when returning with their apparatus from a fire or alarm of fire to prevent any racing of their company with any other company, and to abstain from any conduct that may be likely to cause a breach of the peace or reflect discredit on the Fire Department.

Racing.

Officers' duties.

SEC. 12. It shall be the duty of the officers of each company to see that the apparatus and implements used by them, and the house in which they are deposited, are preserved from damage by neglect or otherwise, and report any repairs that may be necessary to the chief engineer. It shall also be the duty of all the members to see that good order is preserved in and about the houses occupied by their respective companies.

Conduct and responsibility

SEC. 13. Every officer or member of a company shall be held responsible for his actions while exercising command over any fire apparatus, and shall be subject to trial and punishment, by complaint, in writing, before the board of officers, for any wilful neglect or violation of any of the duties incumbent upon him, under any or all of the provisions of this ordinance. And it shall be the duty of the officers and members of each company

to report to the board of officers the name of every fireman found in a state of intoxication while wearing a fire cap bearing the frontispiece of the company to which he is attached.

Rules.

SEC. 14. Each company may enact rules for its own government not inconsistent with the laws of the state or of the board of trustees or of the council; new members, with their age, occupation and residence shall be reported to the chief engineer, and by him to the council for approval and certificates.

Suspension and expulsion.

SEC. 15. No fireman while under suspension for any violation of the provisions of this ordinance, shall be allowed to vote at any election held pursuant to the provisions of this ordinance, and no person suspended or expelled from the Fire Department shall be allowed to take command or exercise control over any fire apparatus while he remains under such sentence of suspension or expulsion.

Apparatus.

SEC. 16. No fire apparatus shall be let out for hire or loaned without the permission of the chief engineer, and the said permission shall state the special object for which the said apparatus is let or loaned, and the time during which it is to be used for the object so specified, but in no case shall any apparatus be taken from a company in active service for the purpose herein specified, without the permission of the said company. No engine, hose or hook and ladder house shall be used at any time or for any purpose other than that of housing the apparatus assigned to the company occupying such engine, hose or hook and ladder house while in active service, without the permission of a majority of the company and approval of the council.

Houses use of

Fires and alarms.

SEC. 17. It shall be the duty of each company on an alarm of fire being given, to proceed with all due diligence to the fire, or to the place from whence the said alarm originated, unless otherwise directed by an engi-

neer, avoiding all lying in wait, or any departure from their usual route for the purpose of racing with any other company. No fire engine, hook and ladder or hose cart shall in going to or returning from any fire, or at any other time, be run, driven, wheeled or placed on any walk of any paved street, except by the special order of the chief engineer, under the penalty of ten dollars for each offense, to be paid by any and every person aiding or assisting in violation of this section. No company shall remove their apparatus from any fire unless by permission of the chief or an assistant engineer. On such permission being granted the said company shall at once return their apparatus to its place of deposit, well washed and cleansed, and ready for immediate use.

Sidewalks.

Penalty.

Removal from a fire.

SEC. 18. The fire and water committee of the council shall furnish each engine and hose company with a sufficient quantity of hose, and each company shall take one set with them to every fire. Hook and ladder companies shall carry upon their trucks six ladders, one of which shall at least be thirty-eight feet long. and as many hooks, axes and other implements as may be deemed necessary by the chief engineer.

Hose.

Hooks and ladders, etc.

SEC. 19. It shall be the duty of the clerk of the council, on the order of the board, to furnish the discharge certificate required to be furnished to the firemen, but in no case shall a certificate be granted until the party applying for the same shall have made an affidavit and filed the same with the city clerk, certifying that he has served the full time prescribed by law, and that he knows of no charges existing against him in the company to which he has been attached. He shall also pay the chief engineer the sum of one dollar on the receipt of his certificate, said dollar to be appropriated and paid over to the treasurer of the Fire Department fund for the benefit of said fund.

Discharge certificates.

SEC. 20. The board of officers shall appoint as many persons as they may deem necessary as bell ringers, to be approved of by the council, and they shall make such rules and regulations as they may deem requisite, for the proper performance of their duties, and any violation of the same shall be deemed sufficient cause for their removal. Bell-ringers.

SEC. 21. Each engine, hose and hook and ladder man shall, if in any way practicable when on duty as such, wear the leathern cap as heretofore used, which cap shall be painted black and shall bear a frontispiece, painted and distinguished as hereinafter described. Each frontispiece shall bear the initials of the person wearing the same, and the name of the company to which he is attached. Hosemen having in addition thereto the word "Hose" above the number, and hook and ladder men having a hook and ladder crossing the number, all of the said frontispiecs, with the exception of those worn by the foreman and assistant foreman of each company, shall have the characters above described placed in light colors on a dark ground. The foreman and assistant foreman of each company shall wear a frontispiece similar to that of the members, the characters being placed in dark colors on a light ground, and the word "Foreman" and "Assistant" respectively placed above the number of the company. Each of the engineers shall wear the leathern cap as heretofore used, painted white, with a gilded frontispiece, having a fire engine emblazoned thereon, together with the words "Chief Engineer" or "Assistant Engineer," as the case may be, and the initials of their names. Fire cap. Frontispiece.

SEC. 22. It shall be the duty of the secretary of each company to return to the chief of police a statement of the names and residences of such members who desire to be called in case of fire, and the captains of police shall furnish the several policemen under their charge Names and residences.

with the names and residences of such firemen residing within the respective beats of such policeman, and it shall be the duty of the policemen to notify all such persons as reside on his beat of the occurrence of any fire.

Police to notify firemen.

Leaving the city.

SEC. 23. No fire engine, hose or hook and ladder company shall leave the city with their apparatus for the purpose of going to a fire without the permission of the chief engineer or assistant engineer when acting as chief.

Registry book.

SEC. 24. It shall be the duty of the city clerk to erase from the registry book of the fire department, the names of all parties who shall have resigned or been expelled after such resignation or expulsion has been acted upon by the council.

Certificate of membership.

SEC. 25. Every newly elected member on being confirmed by the council shall be furnished by the city clerk, with a certificate of membership trough the chief engineer.

Violation.

SEC. 26. Any member of the fire department who shall violate any of the sections of this ordinance, or who shall knowingly or willingly consent to or assist in any violation of this ordinance, shall be liable to be fined, suspended or expelled from the fire department by the board of officers, and approved by the council, and any company so found guilty of violating this ordinance shall be suspended or disbanded, to be determined by the council.

Penalty.

Copies of ordinance.

SEC. 27. Each member of the fire department shall be furnished with a copy of this ordinance and the act incorporating the fire department fund by the chief engineer through the secretary of each company, and the council shall furnish the chief engineer with a sufficient number of copies for that purpose.

SEC. 28. Nothing contained in this ordinance shall deprive the council of the power to repeal or alter the same at any time they think proper. Power of repeal.

Passed June 9, 1858.

A. O. EVANS, City Clerk.

Approved June 11, 1858.

JAMES H. WILSON, Acting Mayor.

An ordinance to authorize the purchase of land and the erection thereon of an engine house for the use of hook and ladder company number two of the Hoboken fire department of the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the committee on public grounds and buildings of the council of the city of Hoboken, be and they are hereby authorized to purchase in the name of the mayor and council of the city of Hoboken, a suitable lot of land in the fourth ward of the city of Hoboken, for the purpose of building thereon a house for the use of hook and ladder fire company number two of the Hoboken fire department.

SEC. 2. That said committee shall procure plans and specifications to be made for the erection of such house as is mentioned in the preceding section of this ordinance and submit the same to the council of said city for action thereon.

SEC. 3. That the cost of procuring such lands and erecting said building thereon shall not exceed the sum of eight thousand dollars.

Passed June 25, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved June 26, 1872.

F. L. SCHMERSAHL, Mayor.

A supplement to an ordinance entitled "An ordinance for the better regulation of the Hoboken fire department" approved June eleventh eighteen hundred and fifty-eight.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall be the duty of engine company number one of the city of Hoboken to nominate a suitable and competent person, practicable engineer to take charge of and operate steam fire engine number one of the city of Hoboken, the same nomination to be referred to the mayor and council of the city of Hoboken for confirmation.

SEC. 2. No person shall be appointed as practical engineer to take charge of said engine unless he shall produce a certificate from the examining board of engineers of the fire department of the city of New York, certifying that he has appeared before them, been examined and that they deem him competent to take charge of and operate the said steam fire engine number one of the city of Hoboken, and present the said certificate to the chairman of the committee on fire and water.

SEC. 3. That it shall be the duty of said practical engineer to take charge of the said steam fire engine, keep her at all times clean and in working order ready for service and be in attendance with said engine at all fires in the city of Hoboken; that he shall reside within two blocks of the engine house; he shall hold himself ready for duty at all times both day and night, and shall not at any time either in the day or night time depart or go beyond the corporate limits of the city of Hoboken without the written consent of the chief

engineer of the Hoboken fire department, or in his absence of the assistant engineer of said department, which written permits shall within one week after the date thereof be filed with the secretary of engine company number one.

SEC. 4. That it shall be the duty of said practical engineer to obey all orders given to him by or through the foreman or acting foreman of said engine company number one and in case of disobedience or neglect of duty on the part of said engineer the said foreman or acting foreman of said company shall make complaint against him to the chief engineer of the said fire department, who shall have power forthwith to suspend said practical engineer and for the time being to appoint an other practical engineer in his stead and thereupon the chief engineer shall cause charges and specifications to be drawn up in writing against said engineer and send the same to the next regular meeting of the council of the city of Hoboken; and thereupon the council shall cause at least three days notice to be served on said engineer of the time and place when and where they will meet to consider said charges and where he may be heard in his defence and if said engineer is found guilty of any charge or charges preferred against him the council may forthwith declare said engineer removed.

SEC. 5. That said practical engineer shall be paid a salary of eight hundred dollars per annum to be paid in equal monthly payments.

Passed June 24, 1873.

JOHN R. McCULLOCH, City Clerk.

Approved June 25, 1873.

A supplement to an ordinance entitled "An ordinance for the better regulation of the Hoboken fire department" approved June 11th, eighteen hundred and fifty-eight.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall be the duty of meadow engine company number three of the city of Hoboken to nominate a suitable and competent person practical engineer to take charge of and operate steam fire engine number three of the city of Hoboken, the same nomination to be referred to the mayor and council of the city of Hoboken, for confirmation.

SEC. 2. No person shall be appointed as practical engineer to take charge of said engine unless he shall produce a certificate from the examining board of engineers of the fire department of the city of New York certifying that he has appeared before them, been examined, and that they deem him competent to take charge of and operate the said steam fire engine number three of the city of Hoboken, and present the said certificate to the chairman of the committee on fire and water.

SEC. 3. That it shall be the duty of said practical engineer to take charge of the said steam fire engine, keep her at all times clean and in working order ready for service and be in attendance with said engine at all fires in the city of Hoboken, that he shall reside within three city blocks of the engine house; he shall hold himself ready for duty at all times both day and night and shall not at any time either in the day or night time depart or go beyond the corporate limits of the city of Hoboken without the written consent of the chief

engineer of the Hoboken fire department, or in his absence of the assistant engineer of said department, which written permits shall within one week after the date thereof be filed with the secretary of engine company number three.

SEC. 4. That it shall be the duty of said practical engineer to obey all orders given to him by or through the foreman or acting foreman of said engine company number three, and in case of disobedience or neglect of duty on the part of said engineer, the said foreman or acting foreman of said company shall make complaint against him to the chief engineer of the said fire department, who shall have power forthwith to suspend said practical engineer, and for the time being to appoint another practical engineer in his stead, and thereupon the chief engineer shall cause charges and specifications to be drawn up in writing against said engineer and send the same to the next regular meeting of the council of the city of Hoboken, and thereupon the council shall cause at least three days notice to be served on said engineer of the time and place when and where they will meet to consider said charges, and where he may be heard in his defence; and if said engineer is found guilty of any charge or charges prepared against him the council may forthwith declare said engineer removed.

SEC. 5. That said practical engineer shall be paid a salary of eight hundred dollars per annum to be paid in equal monthly payments.

Passed April 8, 1874.

JOHN R. McCULLOCH, City Clerk.

Approved April 15, 1874.

A supplement to an ordinance entitled "An ordinance for the better regulation of the Hoboken fire department," approved June 11th, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter the practical engineer of engine company number one and of Meadow company number three be paid a yearly salary of one thousand dollars to be paid in equal monthly payments.

Passed July 7, 1874.

JOHN R. McCULLOCH, City Clerk.

Approved July 8, 1874.

A supplement to an ordinance entitled "An ordinance for the better regulation of the Hoboken fire department," approved June 11th, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter the several steam fire engine companies of the city of Hoboken are authorized to increase the number of their members, provided no company shall be composed of more than seventy-five men.

Passed July 13, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved July 15, 1875.

JOSEPH RUSSELL, Mayor.

A further supplement to the ordinance entitled "An ordinance for the better regulation of the Hoboken fire department" approved June 11th, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That if any person shall knowingly or willfully give or cause to be given any false alarm of fire within the corporate limits of the city of Hoboken, such person so offending shall, on conviction thereof, before the recorder of said city, forfeit and pay a fine not exceeding twenty-five dollars.

SEC. 2. That all ordinances and parts of ordinances inconsistent herewith, be and they are hereby repealed.

Passed March 25, 1879.

ROBERT H. ALBERTS, City Clerk.

Approved March 26, 1879.

E. V. S. BESSON, Mayor.

An ordinance to provide for the acquiring of land and the erection thereon of an engine house for the use of the fire department.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the lot on the east side of Hudson street beginning at a point in the easterly line of said street two hundred and fifty-three feet, southerly from the south east corner of Hudson and Third streets, and running thence southerly along the east line of said street twenty feet thence easterly and parallel with Third street one hundred feet thence northerly parallel with Hudson street twenty feet and thence westerly parallel with Third street one hundred feet to the east line of Hudson street, the place of beginning, heretofore offered to the city authorities, in consideration of one dollar, and under certain conditions as a site for an engine house be accepted, and that a suitable building for the use of the fire department of the city of Hoboken be erected on said lot of land.

SEC. 2. That said building when erected be maintained and used for the purposes of the fire department under such rules, regulations and orders as the mayor and council may from time to time make and under the rules and regulations of the fire department.

SEC. 3. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed Third and final reading, April 18, 1882.

Signed ROBERT H. ALBERTS, City Clerk.

May 2, 1882. Disapproved by the Mayor in a communication dated April 29, 1882.

Signed M. V. McDERMOTT, Acting City Clerk.

May 9, 1882. A resolution was adopted directing the city clerk to publish ordinance according to law.

May 23, 1882. Resolution adopted May 9th, was disapproved by the mayor in a communication dated May 8, 1882, at same session (May 23d) the council adopted an amended resolution directing the city clerk to publish ordinance according to law.

June 6, 1882. The resolution of May 23, was disapproved by the mayor in a communication dated June 1, 1882, at the same session (June 6) the council passed the resolution of May 23, 1882, notwithstanding the veto of his honor the mayor.

L. H. KENDRICK, City Clerk.

JUSTICES OF THE PEACE.

An ordinance relating to fines received by justices of the peace.

The Mayor and Council of the city of Hoboken do ordain as follows:

Payment of fines received by justices of the peace.

SECTION 1. It shall be the duty of the justices of the peace in this city, severally and respectively, on the receipt of any fine or fines by them or any of them imposed upon any person or persons for violation of city ordinances, to pay the same forthwith to the city treasurer, taking his receipt therefor, and to report to the council, at their first regular session in each month, the amount so received by them as aforesaid, the names of the persons on whom imposed, and the causes thereof.

Report.

Penalty for neglect or refusal.

SEC. 2. Each and every of the said justices neglecting, or refusing to make such payment as hereinbefore required, or neglecting or refusing to report to the council as hereinbefore directed, shall, for every day's neglect or refusal so to do, be subject and held to pay a penalty of ten dollars, to be recovered in the name of the city with costs.

SEC. 3. It shall be the duty of the justices of the peace now acting in this city forthwith to make the payment of all moneys heretofore received by them belonging to the city as above required, and to make the report above specified.

Passed February 13, A. D. 1856.

SAMUEL W. CAREY, City Clerk.

Approved February 23, A. D. 1856.

C. V. CLICKENER, Mayor.

INNS AND TAVERNS.

An ordinance concerning inns and taverns.

The Mayor and Council of the city of Hoboken do ordain as follows:

Mode of granting licenses.

SECTION 1. The counsel may by a resolution passed by at least four concurring votes, and approved by the mayor according to the provisions of the city charter, license any person to keep an inn and tavern in the manner and upon the terms provided for in this ordinance.

Qualification of parties requiring a license.

SEC. 2. No license to keep an inn or tavern shall be granted unless such inn and tavern shall be required for the entertainment of travellers, and no application for such licence shall be entertained or considered by the council unless the person applying for such license shall be recommended in writing by at least ten freeholders, who shall certify that the applicant is personally known to them and has maintained a good character for honesty and temperance, and is known to them to be well provided with rooms, beds, bedding and other accommodations for guests, and that such an inn or tavern is necessary for public convenience, and will condine to the public good, and no license to keep an inn and tavern shall be granted until the next meeting of the council after the application is received.

Expiration of licenses first Monday in June.

SEC. 3. Every license to keep an inn and tavern shall expire and be utterly void and of no effect on and after the first Monday of June next after the same shall be granted. And every person before he or she shall receive a license to keep an inn and tavern, shall, with two sufficient sureties, become bound by a bond, to the mayor and council of the city of Hoboken in the sum

Bonds, and conditions of.

of one hundred dollars, with condition following: The condition of this obligation is such that whereas, the above bounden A. B., is licensed by the mayor and council of the city of Hoboken to keep an inn and tavern (describing the premises) in the said city of Hoboken, until the first Monday of June next, if not sooner revoked. If, therefore, the said A. B., during the continuance of the said license, shall not keep a disorderly inn and tavern, nor game himself or herself, nor suffer any person to game in his or her house for money or the value of money, nor violate the laws of this state nor the ordinances of the city in relation to inns and taverns, and shall during the said term close his or her bar on the first day of the week, called Sunday, and shall not on that day sell or permit to be sold on his or her premises, any intoxicating liquors of any kind, and in all things respecting him or her as an inn holder and tavern keeper, use and maintain good order and rule, and find and provide good, wholesome and sufficient lodgings, diet and entertainment for guests, and observe the directions of the laws relating to inns and taverns, then this obligation to be void, or else to remain in full force and virtue.

Gaming.

Closing on Sunday.

Entertainment.

Price for license.

SEC. 4. The price of a license to keep an inn and tavern shall be fixed from time to time by the council, but in no case shall the charge be less than fifty dollars, besides two dollars to be paid to the city clerk for drawing the license and bond, which sums shall be paid on receiving the license.

Seal.

SEC. 5. Every license to keep an inn and tavern shall be sealed with the corporate seal, signed by the mayor and attested by the city clerk, and shall be in the words or to the effect following:

Terms of license.

City of Hoboken to wit: the mayor and council of the city of Hoboken do hereby allow and license A. B., to keep an inn and tavern in the house (specifying and describing it) from the date hereof until the first Monday

of June next ensuing, unless sooner revoked, upon conditions, nevertheless, that the said A. B. shall during the said term, keep and observe all the laws of the state and ordinances of the city relative to inns and taverns, and shall keep said inn and tavern closed on the Christian Sabbath, except for the accommodation of travelers.

In testimony whereof, the corporate seal is hereunto affixed, and these presents are signed by the mayor and attested by the city clerk this———day of———, in the year one thousand eight hundred and fifty——. Signatures.

Sec. 6. No person licensed to keep an inn and tavern shall, nor shall any other person on the Christian Sabbath, or on the first day of the week, called Sunday, sell, or permit to be sold, any intoxicating liquors of any kind, mixed or unmixed, in any house, building, room, cellar or apartment within the limits of the city of Hoboken, and shall not keep open their inn and tavern on that day, except for the accommodation of travelers, and for every offense against this section or any part thereof, he or she shall forfeit and pay the sum of twelve dollars, to be sued for and recovered as hereinafter prescribed. No liquors to be sold on Sunday. Penalty.

Sec. 7. No license shall entitle any person to keep an inn and tavern in any other place than that which is mentioned and specially described in said license. License only good for specified places.

Sec. 8. The council may revoke or annul any license that shall be granted to any person to keep an inn and tavern in case such person shall offend against any part of this ordinance, or any law of this state concerning inns and taverns. Revoking of licenses.

Sec. 9. A true and correct list of all licenses that shall be granted shall be kept by the city clerk in a book to be provided for that purpose, which book shall at all times be open to the inspection of all persons desiring to see the same. Book of licenses.

SEC. 10. If any person (except a person licensed to keep an inn or tavern as aforesaid) by himself or herself, or his or her clerk, servant or agent, shall at any time sell or expose to sale, any spirituous or intoxicating liquors, or any mixed liquors, part of which is intoxicating, he or she shall forfeit and pay on conviction the sum of five dollars and costs of prosecution for the first offense, and shall stand committed until the same be paid, and for every subsequent offense he or she shall forfeit and pay the sum of ten dollars and costs of prosecution, and shall stand committed until the same is paid, and if any clerk, servant, or agent, or other person in the employment of or on the premises of another, shall violate the provisions of this or the next previous section, he or she shall be held equally guilty with the principal, and on conviction shall suffer the same penalty.

Penalty for selling liquors without license.

SEC. 11. Any forfeiture or penalty arising from under this ordinance may be recovered by an action before any justice of the peace, and the forfeiture so recovered shall be paid into the city treasury, and the prosecutor or complainant may be admitted as a witness in the trial, and it shall be the duty of the corporation attorney to commence an action in behalf of the city and in its corporation name against any person guilty of a violation of any of the provisions of this ordinance, on being informed of the same, and being furnished with proof of the fact.

Mode of recovering penalty.

Passed June 8, 1855.

SAMUEL W. CAREY, City Clerk.

Approved June 8, A. D. 1855.

C. V. CLICKENER, Mayor.

An ordinance amendatory of the ordinance entitled "An ordinance concerning inns and taverns." Approved June 8, A. D. 1855.

The Mayor and Council of the city of Hoboken do ordain as follows.

SECTION 1. That the fourth section of the ordinance entitled "An ordinance concerning inns and taverns," approved June 8, A. D. 1855, be amended so as to read as follows: "The price of a license to keep an inn and tavern shall be fixed from time to time by the council, but in no case shall the charge be less than twenty-five dollars, besides two dollars to be paid to the city clerk for drawing the license and bond, which sums shall be paid on receiving the license. Amendment. Inn and tavern ordinance. License fee.

SEC. 2. The provisions of the ordinance to which the foregoing is an amendment, inconsistent herewith be, and the same are hereby repealed. Repealed.

Passed May 20, A. D. 1856.

SAMUEL W. CAREY, City Clerk.

Approved May 21, 1856.

C. V. CLICKENER, Mayor.

An ordinance concerning inns and taverns and other places of public entertainment in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the council of said city of Hoboken may, by resolution of a majority of the whole number concurring therein and approved by the mayor according to the provisions of the city charter, license any person to keep an inn and tavern in the manner and upon the terms provided for in this ordinance.

License.

Inn and tavern.

SEC. 2. No license for an inn or tavern shall be granted unless in the opinion of the council the same shall be required for the entertainment of travelers or sojurners or for the transaction of the public business of the city, and no application for such a license shall be entertained and considered by the council unless the person applying for such license shall be recommended in writing by at least ten freeholders, residents of the ward in which such inn and tavern is intended to be kept; who shall certify that such applicant is personally known to them and has maintained a good character for honesty and temperance, and is known to them to be well provided with room, bed, bedding and other accommodations for such guests, and that such an inn and tavern is necessary for public convenience and will condine to the public good and the interest of the said city, and no license to keep an inn and tavern shall be granted until the next stated meeting of the council after the application is received.

Recommendation.

Expiration of license.

SEC. 3. Every license to keep an inn or tavern shall expire and be utterly void and of no effect on and after the first Monday of June next after the same shall be

granted, and every person before he or she shall receive a license to keep an inn and tavern shall become bound by bond, with two sufficient sureties, to the mayor and council of the city of Hoboken, in the sum of one hundred dollars with conditions following:

Form of obligation.

The condition of this obligation is such that whereas the above bounden————is licensed by the mayor and council of the city of Hoboken to keep an inn and tavern in (describing the premises) in the———ward of Hoboken, until the first Monday of June next, if not sooner revoked. If, therefore, the said————during the continuance of the said license, shall not keep a disorderly inn and tavern, nor game, sell or suffer any person to game in———house for money or the value of money, nor violate the laws of this state nor the ordinance of the council, and shall, during the said term, close———bar on the first day of the week, called Sunday, and shall not on that day sell or offer for sale or permit to be sold in———premises, any spirituous, vinous, fermented or other intoxicating drink or drinks, and in all things respecting———as an inn holder and tavern keeper, use and maintain good order and rule and find and provide good wholesome lodging, diet and entertainment for guests, and observe the laws relating to inns and taverns, then this obligation to be void, or else to remain in full force and virtue.

License, price of.

SEC. 4. The price of a license to keep an inn and tavern shall be fixed from time to time by the council, but in no case shall the charge be less than twenty-five dollars, besides two dollars to be paid to the city clerk for drawing the license and a bond, which sum shall be paid before receiving the license.

Corporate seal.

SEC. 5. Every license to keep an inn and tavern shall be sealed with the corporate seal, signed by the mayor and attested by the city clerk, and shall be in words or to the effect following:

Form of license.

City of Hoboken to wit: the mayor and council of the city of Hoboken hereby allow and license————, of the————ward of Hoboken, to keep an inn and tavern in the house (specifying and describing it), from the date hereof until the first Monday of June next ensuing, unless sooner revoked, upon condition nevertheless, that the said————————shall, during the said term, keep and observe all the laws of the state and ordinance of the city relative to inns and taverns, and shall keep said inn and tavern closed on the Christian Sabbath, except for the accommodation of travelers.

In testimony whereof, the corporate seal is hereunto affixed, and these presents are signed by the mayor and attested by the city clerk, this———day of———, in the year one thousand eight hundred and———.

Sunday.

SEC. 6. No person licensed to keep an inn and tavern shall on the first day of the week, called Sunday, sell permit or cause to be sold or exposed for sale, any beer, ale, cider, porter, spirituous or other intoxicating drink or drinks of any kind, mixed or unmixed, in any house, building, room, cellar, or appartment within the limits of Hoboken, and shall not keep open their inn and tavern on that day, except for the reception or accommodation of travellers ariving or remaining at said inn and tavern during said day, and shall not permit on the day aforesaid any number of persons other than his, her or their family, to come together therein, and for each and every offense against this section or any part thereof against this section, he or she shall forfeit and pay the sum of twenty dollars, to be sued for and recovered, as provided for in the city charter, and every such conviction shall revoke his or her license, and from and after such conviction such license shall be absolutely null and void.

Place specified.

SEC. 7. No license shall entitle any person to keep an in or tavern in any other place than that which is mentioned and specified in such license.

SEC. 8. That it shall be lawful for said council, with the approval of the mayor, to revoke such license at any time on due proof made before them at any regular meeting of any violation of the provisions of this ordinance on notice to be given to the landlord of any such inn or tavern, by the city clerk of any complaint against him or her for such violation at least three days before the hearing of any such complaint. That all complaints for any such violation of any of the provisions of this ordinance shall be in writing and signed by the person making the same. Revocation.

SEC. 9. That it shall be lawful for said council, by resolution, with the approval of the mayor to grant licences to any person within the limits of the corporation, to open and keep a house of public entertainment, upon application made to them at any regular meeting, and recommended by at least ten freeholders, residing in said city, and upon the granting of such license, and shall not be before the next stated meeting held after the presentation of such application, the applicant for such license shall enter into a recognizance or bond to the said council with at least one sufficient surety, in the sum of one hundred dollars to the said, the mayor and council of the city of Hoboken, conditioned that he will, in all things, comply with the requirements of the provisions of this ordinance and the laws of the state concerning inns and taverns, so far as the same may be applicable to such houses, and that the form of the said bond and license hereinbefore prescribed for inns and taverns shall be so modified in relation to houses of public entertainment, so as to comply with this section, when such license shall be granted to such persons as are in this section mentioned. That the applicant for such license shall before such license is delivered to him to pay to the city clerk, for the use of said city, the sum of twenty dollars, and also the License for houses of public entertainment. Bond. Form of bond. License fees.

further sum of two dollars to the city clerk for drawing said recognizance or bond and certificate of license.

Record.

SEC. 10. The city clerk shall keep a true and correct list of all licenses granted by virtue of this ordinance in a book to be provided for that purpose, which shall at all times be open to inspection.

Unlicensed persons.

SEC. 11. If any person without having obtained a license as provided for in this ordinance, by himself or herself, or his or her clerk, servant or agent, shall, at any time, sell or cause or permit to be sold, within the limits of this corporation, any spirituous vinous, fermented or other intoxicating drink or drinks, by less quantity than one quart, or shall open or keep within said city any house of public entertainment, he or she, in addition to the penalty of an indictment, shall forfeit

Penalty.

and pay for each and every such offense the sum of ten dollars and costs of prosecution for the first offence, and twenty dollars for the second or other offence, to be sued for in the corporate name of said city, before any justice of the peace in said city, by any person who may see fit to sue for the same, which penalties, when so recovered, shall be paid into the city treasury, and if any clerk, servant, agent or other person in the employment of or on the premises of another shall violate the provisions of this ordinance, or any of them, he or she shall be held equally guilty with the principal, and on conviction, shall suffer the same penalty.

Fees, &c., to be paid into city treasury.

SEC. 12. All sums of money paid to the city clerk as assessments or fees for licenses (except such as said clerk is authorized to take and receive for his own use) and all penalties recovered by virtue of this ordinance, shall be forthwith paid into the city treasury.

Passed.

Approved June 3, 1859.

FRANKLIN B. CARPENTER, Mayor.

An ordinance to amend "An ordinance concerning inns and taverns and other places of public entertainment, in the city of Hoboken." Approved June 3, 1859.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section nine of said ordinance be and the same is hereby amended by striking out at the end of said section the following words, to wit: "That the applicant for such license shall before such license is delivered to him pay to the city clerk, for the use of said city, the sum of twenty dollars, and also the further sum of two dollars to the city clerk for drawing said recognizance or bond and certificate of license," and inserting in lieu thereof the following words, to wit: "The price of such license shall be fixed from time to time by the council, but in no case shall the charge be less than twenty-five dollars, besides two dollars to be paid to the city clerk for drawing the license and bond." Amendments. License fee. Price to be paid.

SEC. 2. That all the sums of money mentioned in the said ordinance to be paid for said licenses and to the city clerk for drawing said licenses and bonds, shall in all cases be paid to the city clerk by the party desiring a license at the time he shall make his application therefor, and in case said license is refused by said council the money shall be refunded to said applicant. License fee when paid. Refusal to grant. Money refunded.

SEC. 3. The council may by resolution dispense with the recommendation in writing by the freeholders whenever the application for a license shall have had a license the preceding year. Recommendation.

Passed June 27, 1866.

JOHN KENNEDY, City Clerk.

Approved June 29, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled an ordinance concerning inns and taverns and other places of public entertainment in the city of Hoboken. Approved June 3, 1859.

The Mayor and Council of the city of Hoboken do ordain as follows:

Bond.

SECTION 1. That so much of the ordinance as requires the giving of a bond be and the same is hereby repealed.

Passed December 26, 1866.

JOHN KENNEDY, City Clerk.

Approved December 27, 1866.

FREDERICK B. OGDEN, Mayor.

A supplement to an ordinance entitled "An ordinance concerning inns and taverns and other places of public entertainment in the city of Hoboken." Approved June 3, 1859.

The Mayor and Council of the city of Hoboken do ordain as follows:

Application for license and reduction of license fee for inns and taverns and houses of public entertainment.

SECTION 1. That when any person or persons shall apply to the council for a license to keep an inn and tavern, or house of public entertainment in the city of Hoboken, six months from or after the regular day for the granting and renewing of licenses, that is to say, six months after the first Monday in June, that then the council may at their discretion reduce the amount of license fee as provided for in said ordinance to which this is a supplement, to any sum not less than one-half the amount of said license fee, if taken on the regular day for issuing licenses as above: *provided*; however, that all persons to be entitled to the benefit of this supplement must apply for said license before they shall commence business, and comply with all other sections of the ordinance to which this is a supplement.

Application to be made before commencing business.

SEC. 2. That a transfer of license to keep an inn and tavern or house of public entertainment may be made as follows, on application of the original grantee in writing to the mayor and council to transfer said license in the same house for which said license was originally granted. And if on inquiry the council shall be satisfied that the party to whom the said license is required to be transferred, is a proper person, they may then order the transfer to be made by the city clerk, on payment of a transfer of five dollars, with the clerk's fee as provided for in the original ordinance, to which this is a supplement.

Transfer of license.

Fees for transfer.

Passed March 25, 1868.

JOHN KENNEDY, City Clerk.

Approved March 26, 1868.

F. W. BOHNSTEDT, Mayor.

CORPORATION PRINTER.

An ordinance prescribing the duties of corporation printer.

The Mayor and Council of the city of Hoboken do ordain as follows:

Publishing.

SECTION 1. It shall be the duty of the corporation printer to publish all ordinances according to the city charter, all notices or advertisements directed to be published by the council or any committee thereof (except notices of sale for taxes and assessments and for the redemption of lands sold for taxes and assessments) and all such proclamations of the mayor as by the city charter are or may be required to be published at the expense of the corporation.

Compensation.

SEC. 2. That the corporation printer shall receive such compensation as the council shall by resolution direct.

Passed July 25, 1855.

SAMUEL W. CAREY, City Clerk.

Approved July 31, 1855.

C. V. CLICKENER, Mayor.

RELATIVE TO DEAD ANIMALS.

An ordinance in relation to dead animals.

The Mayor and Council of the city of Hoboken do ordain as follows:

Dead animals. Nuisances

SECTION 1. That any animal, dying from accident or disease, and found dead within the limits of Hoboken, or in or upon any lot or tenement, or in any street, alley, highway or unoccupied lot, shall be considered and are hereby declared to be nuisances.

Removal of dead animals.

SEC. 2. That no person or persons except the contractor hereinafter named shall carry, remove or transport any such animal as is mentioned and described in the first section of this ordinance or the remains thereof from the place where such animal shall die within the limits of Hoboken to any other place within the limits of said city or to any place out of Hoboken without the permission in writing of a majority of the street and assessment committee of the council or the street commissioner, under a penalty of five dollars for each and every offense.

Penalty.

Skinning.

SEC. 3. That no person or persons shall skin or bring any such animal as is mentioned in the first section of this ordinance within the limits of Hoboken aforesaid without the permission of a majority of the street and assessment committee of the council or street commissioner under the penalty of ten dollars for each offense.

Penalty.

SEC. 4. That it shall be the duty of every owner of any animal dying from accident or disease within the limits of Hoboken aforesaid to give notice of such death at the station house, or at the office of the street commissioner of Hoboken within six hours after such animal shall die, under a penalty of ten dollars for each and every offence.

Contract or appointment for removal of dead animals.

SEC. 5. That the council of the city of Hoboken may when deemed advisable by them, appoint and contract with some proper person or persons whose duty it shall be to remove all such animals as are hereinbefore specified without the limits of Hoboken aforesaid under such conditions and restrictions as they shall deem suitable and proper.

Penalties, recovery of.

SEC. 6. That all penalties arising under this ordinance may be recovered as by the charter directed and the penalties so recovered shall be paid into the city treasury, and the prosecutor or complainant shall be admitted as a witness on the trial.

Repealed.

SEC. 7. That all ordinances and parts of ordinances inconsistent or conflicting with the provisions of this ordinance be and the same are hereby repealed.

Passed December 8, A. D. 1858.

A. O. EVANS, City Clerk.

Approved December 9, A. D. 1858.

GEORGE W. MORTON, Mayor.

AN ORDINANCE RESPECTING DOGS.

The Mayor and Council of the city of Hoboken do ordain as follows:

Dogs, running at large.

SECTION 1. No dog, male or female, shall be suffered to go at large in the city of Hoboken without having upon its neck a collar with the name and residence of the owner or possessor thereof distinctly marked in letters thereon, under the penalty of five dollars for each offense, to be paid by the owner or possessor as aforesaid, and it shall be lawful for any person to kill any such dog found running at large not having on its neck such collar with the name and residence of such owner or possessor marked thereon, as aforesaid, or any dog which shall bite or attempt to bite any person or animal.

Dog Tax.

SEC. 2. For every male dog owned or kept in the said city the owner or possessor thereof shall annually pay a tax of two dollars, and for every female dog a tax of four dollars, to be assessed and collected in the same manner that the annual taxes for said city are assessed and collected.

Mayors proclamation.

SEC. 3. It shall be lawful for the mayor of said city at any time, when in his opinion the interest of the city or the public good requires the same, to issue his proclamation authorizing the indiscriminate destruction of all dogs, both male and female, found running at large in the said city, (except) such as shall be properly muzzled with a wire muzzle about the nose (securely fastened,) and such proclamation being published in one of the newspapers in said city for six days, shall be a sufficient justification to all persons who may destroy any such dog or dogs, male or female, found running at large, as aforesaid, during the time said proclamation shall remain in force.

Unmuzzled dogs to be impounded.

SEC. 4. All dogs, male or female, found running at large in the city of Hoboken, (except such as shall be properly muzzled with a wire muzzle about the snout securely fastened,) may be taken by any person or persons, and driven or carried to the public pound, in the said city, and it shall be the duty of the keeper thereof to enter into a book, to be kept by him for that purpose, the names and places of abode of all persons who may bring any dog, as aforesaid, to said pound, and the time of bringing the same respectively, and the said keeper shall pay to the person bringing any such dog, as aforesaid, to any such pound, the sum of fifty cents for each dog so brought, and the owner or any person claiming such dog, shall pay to the keeper of such pound two dollars for every such dog so impounded before said keeper shall release the same from such pound, and if no person shall claim any such dog so impounded and pay such amount within the space of forty-eight hours from the time of impounding the same, it shall be the duty of such keeper to kill such dog immediately thereafter, and remove and bury the same beyond the limits of the city, and for every such dog so removed or buried, as aforesaid, the said keeper shall be paid out of the city treasury the sum of fifty cents on the presentation of a claim for such services and verified by the oath or affirmation of the said keeper within six days after its performance.

Fees.

Penalty for hindering.

SEC. 5. Any person who shall hinder prevent or attempt to hinder or prevent any of the provisions of this ordinance from being carried into effect, shall be subject to a fine of ten dollars.

SEC. 6. All ordinances and parts of ordinances, heretofore passed on the subject are hereby repealed.

Approved June 2, 1859.

FRANKLIN B. CARPENTER, Mayor.

RELATIVE TO FIRE-ARMS.

An ordinance to prevent firing of guns, &c., in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That no person or persons shall fire or discharge any cannon, gun, pistol, or fire-arms of any description, or fire, explode, or set off any squib cracker or other thing, containing powder or other combustibles or explosive material within the corporate limits of Hoboken, without the permission of the mayor, in writing, and subject to the restrictions and conditions contained in such written permission under the penalty of five dollars for each and every offense, but nothing contained in this section shall be construed to extend to any military parade exercise or review of the Hudson Brigade or any company thereof. Firing of guns. Penalty.

SEC. 2. That no person or persons shall keep or maintain or cause to be kept or maintained within the corporate limits of Hoboken, any target or shooting grounds, where shooting or firing at a target or any other mark, shall be practiced within the like permission, as mentioned in the last preceding section, under the penalty of fifty dollars for each and every such offense. Shooting grounds.

SEC. 3. That it shall be and hereby is made the special duties of all police officers of said city and all other persons charged with the keeping of the peace in said city, to cause the penalties in this ordinance to be inforced against all persons offending against its provisions. Police.

Passed November 26, 1859.

Approved November 28th, 1859.

FRANKLIN B. CARPENTER, Mayor.

An ordinance to amend an ordinance entitled "An ordinance in relation to hawkers and peddlers," approved August 17, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. It shall hereafter be the duty of all persons who may obtain licenses as hawkers and peddlers in the city of Hoboken to procure all weights and measures used by them for the vending and sale of any of the articles mentioned in the ordinance to which this is an amendment to be first approved sealed and stamped by the weigh master of said city according to the established standard and all such measures shall be marked and stamped by the said weighmaster both upon the bottom and the edge of the top thereof.

SEC. 2. Any person or persons who shall use or employ any weights or measures for the sale of any of the articles mentioned in the ordinance to which this is an amendment without first procuring the same to be approved, sealed and stamped as aforesaid shall be liable to a penalty of twenty dollars for each and every offense and also the costs of prosecution.

SEC. 3. It shall be and is hereby made the special duty of all the police officers and policemen of the said city to cause the penalty mentioned in this ordinance to be enforced against all persons offending against its provisions, and also to inspect the weights and measures that may be used or employed by persons having licenses as hawkers and peddlers as aforesaid and who may be engaged in hawking or selling any of the said articles afore mentioned in any of the streets lanes, alleys or public places of said city.

SEC. 4. No person who may hereafter obtain a license as aforesaid as a hawker and peddler in said city shall be permitted to use or employ more than one cart or wagon under each license but shall procure and obtain a separate license for each and every cart, wagon or other vehicle that he may use for such purpose.

SEC. 5. The license fee mentioned in the second section of the ordinance to which this is an amendment shall hereafter be fifteen dollars instead of five and the penalty mentioned in the third section of said ordinance shall hereafter be twenty dollars instead of ten.

SEC. 6. All ordinances and parts of ordinances inconsistent with any of the provisions of this ordinance be and the same are hereby repealed.

Passed September 18, 1877.

GEORGE J. DUCKER, City Clerk.

Approved September 28, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to amend an ordinance entitled "An ordinance in relation to peddlers and petty chapmen," approved October 4, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. It shall hereafter be the duty of all persons who may obtain licenses as peddlers and petty chapmen in the city of Hoboken to procure all weights and measures used by them for the vending and sale of any of the articles mentioned in the ordinance to which this is an amendment to be first approved, sealed and stamped by the weighmaster of said city in accordance with the established standard, and all such measures shall be marked and stamped by the said weighmaster both upon the bottom and the edge of the top thereof.

SEC. 2. Any person or persons who shall use or employ any weights or measures for the sale of any of the articles mentioned in the ordinance to which this is an amendment without first procuring the same to be approved, sealed and stamped as aforesaid, shall be liable to a penalty of twenty dollars for each and every offence together with the costs of prosecution.

SEC. 3. It shall be and is hereby made the special duty of all the police officers and policemen of the said city to cause the penalty mentioned in this ordinance to be enforced against all persons offending against its provisions, and also to inspect the weights and measures that may be used or employed by persons having licenses as peddlars and petty chapmen as aforesaid, and who may be engaged in hawking, peddling or selling any of the said articles aforementioned in any of the streets, lanes, alleys or public places of said city.

SEC. 4. No person who may hereafter obtain a license as aforesaid as a peddlar and petty chapmen in said city, shall be permitted to use or employ more than one cart or wagon under each license, but shall procure and obtain a separate license for each and every cart, wagon or other vehicle that he may use for such purpose.

SEC. 5. The license fee mentioned in the second section of the ordinance to which this is an amendment, shall hereafter be fifteen dollars instead of five, and the penalty mentioned in the third section of said ordinance shall hereafter be twenty dollars instead of five.

SEC. 6. All ordinances and parts of ordinances inconsistent with any of the provisions of this ordinance be and the same hereby are repealed.

Passed October 23, 1877.

GEORGE J. DUCKER, City Clerk.

An ordinance to amend an ordinance entitled "An ordinance to amend an ordinance in relation to hawkers and peddlers," approved.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That each and every person licensed to do business as a hawker and peddler in the said city of Hoboken shall pay to the city clerk, for the use of the city, the sum of five dollars, and one dollar additional for the fee of the city clerk.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed June 11, 1878.

ROBERT H. ALBERTS, City Clerk.

Passed June 18, 1878, over the veto of his honor the Mayor.

ROBERT H. ALBERTS, City Clerk.

An ordinance to amend an ordinance entitled "An ordinance to amend an ordinance in relation to hawkers and peddlers," approved.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That each and every person licensed to do business as a hawker and peddler in the said city of Hoboken shall pay to the city clerk for the use of the city the sum of fifteen dollars, and one dollar additional for the fee of the city clerk.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed October 22, 1878.

ROBERT H. ALBERTS, City Clerk.

Approved October 23, 1878.

E. V. S. BESSON, Mayor.

A supplement to an ordinance entitled "And ordinance in relation to hawkers and peddlers," approved August 17, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That each license granted by the council, signed by the mayor and sealed with the corporate seal of the city to any hawker or peddler shall allow the running or using of one wagon and the employment of one assistant or driver only and for each additional wagon and assistant an additional license must be procured.

SEC. 2. No person shall use more than one wagon or employ more than one assistant or driver, without such additional license, under a penalty of ten dollars for each and every offence to be recovered before the recorder.

SEC. 3. That every additional wagon shall have a number painted thereon corresponding to the number of license issued therefor.

SEC. 4. That all ordinances and parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed June 24, 1879.

ROBERT H. ALBERTS, City Clerk.

Approved June 25, 1879.

E. V. S. BESSON, Mayor.

Goes into effect July 19, 1879.

HAWKERS AND PEDDLERS.

An ordinance in relation to hawkers and peddlers.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be licensed by the mayor from time to time, as he shall deem expedient so many persons, residents of the said city and recommended by at least six citizens thereof, for the purpose of vending, meat, fish, fruit, vegetables, ale, porter, cider, pop, beer, and mineral waters from wagons and other vehicles; and such licenses shall expire on the first Monday of June next after the date thereof; subject nevertheless to be revoked at the pleasure of the mayor. License to venders. Expiration of license.

SEC. 2. Each and every person licensed as aforesaid shall pay to the city clerk for each license the sum of five dollars for the use of the city, and one dollar additional for the fees of the city clerk, for drawing and sealing such license in a book to be provided for that purpose. License fees.

SEC. 3. No person or persons not licensed as aforesaid shall sell or offer for sale from wagons, carts, or other vehicles, in any of the streets, lanes, alleys, or public places in said city any meat, fish, fowls, fruits or vegetables, or any ale, porter, cider, pop, root beer, or mineral waters of any kind or description, or hawk any of the said articles about the streets, alleys, lanes, or other public places of said city, for the purpose of selling the same, under the penalty of ten dollars, together with the costs of prosecution, for each and every offense, provided however, that this ordinance shall not apply to butchers conducting their business in said city, nor to farmers and gardeners retailing produce of their own raising. Not to sell without license.

Passed August 9, 1855.

SAMUEL W. CAREY, City Clerk.

Approved August 17, A. D. 1855.

C. V. CLICKENER, Mayor.

LAMPS AND LAMP POSTS.

An ordinance to provide for the purchase and erection of lamps and lamp posts, in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

Proposals for erection of lamps and lamp-posts.

SECTION 1. That the committee on lamps, watch and police, be directed to issue proposals for the furnishing and erection of such lamp and lamp posts in the city of Hoboken, as they may from time to time report necessary, and the council determine, and shall contract for the same; provided, that such contract shall be approved by the mayor and council before going into effect.

Contract.

New lamps.

SEC. 2. That the said committee shall from time to time, as new lamps may in their opinion be needed, report to council such necessity, stating the number of lamps needed and the places where, and upon the approval of the said report by the council and street commissioner, shall, under the direction of the said committee superintend the erection of and cause to be erected such lamps and lamp posts.

Superintendence.

Expenses.

SEC. 3. That for the payment of the expenses incurred in the purchase and erection of such lamps and lamp posts, a warrant signed by the mayor and countersigned by the city clerk, shall be drawn upon the treasurer upon the production to the mayor by the contractor of a certificate of a majority of the said committee, endorsed by the street commissioner, that the contract has been fully and satisfactorily performed.

Passed November 14, 1855.

SAMUEL W. CAREY, City Clerk.

Approved November 17, 1855.

C. V. CLICKENER, Mayor.

CATTLE RUNNING AT LARGE.

An ordinance to prevent cattle from encumbering or stopping upon the streets of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That if any person or persons shall drive or cause to be drove in or upon any sidewalk in said city any cattle, horses, sheep, swine or other animals or if any person driving or having in charge any cattle or other animals aforesaid shall permit, suffer or allow the same or any of them to go upon any sidewalk in said city, every person or persons so offending in the premises shall be liable to pay a fine of five dollars for every head of cattle, horses, or other animals aforesaid, which shall be so drove or permitted to go upon any such sidewalk. Cattle on sidewalks. Penalty.

SEC. 2. That if any persons driving or having in charge any cattle, sheep or swine shall suffer, permit or allow any such cattle, sheep or swine to stop, stand still or lodge in or upon any street or sidewalk in said city, every person so offending in the premises shall be liable to pay a fine of ten dollars for every such offense. Cattle and encumbring.

Passed October 13, 1858.

A. O. EVANS, City Clerk.

Approved October 19, 1858.

GEORGE W. MORTON, Mayor.

An amendment to an ordinance to prevent cattle from encumbering or stopping upon the streets of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter, droves of cattle, horses, sheep, swine or other animals shall not be driven through the streets of Hoboken between eight o'clock in the morning and six o'clock in the evening, under a penalty of ten dollars for each and every offense.

Passed September 18, 1867.

JOHN KENNEDY, City Clerk.

Approved September 19, 1867.

F. W. BOHNSTEDT, Mayor.

RELATIVE TO SLAUGHTERING CATTLE IN THE CITY LIMITS.

An ordinance to prevent the slaughtering of cattle or animals within the limits of the city of Hoboken.

The mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That no person or persons shall keep or maintain a slaughter house within the limits of the city of Hoboken under a penalty of fifty dollars for every day the same shall be kept and maintained for the purpose of slaughtering animals therein. Slaughtering. Penalty for.

SEC. 2. That no person or persons shall slaughter or in any way assist in slaughtering any cattle, animal or animals within the city limits of the city of Hoboken, under a penalty of fifty dollars for each offense. Penalty for assisting.

SEC. 3. That all ordinances, and parts of ordinances, inconsistent with the provisions of this ordinance be and they are hereby repealed.

Passed September 15, 1868.

JOHN KENNEDY, City Clerk.

CITY PRISON.

An ordinance to provide for a city prison, and for the appointment of a keeper of the same.

The Mayor and Council of the city of Hoboken do ordain as follows:

Location. SECTION 1. That the building at the south-west corner of Newark and Washington streets, known as the "Police Station," be, and the same is hereby declared to be a city prison.

Keeper. SEC. 2. That the keeper of the city prison shall be elected and appointed by a majority of the councilmen, at a stated meeting of the board.

Passed March 31, 1864.

JOHN KENNEDY, City Clerk.

Approved April 2, 1864.

LORENZO W. ELDER, Mayor.

An ordinance to amend an ordinance entitled "An ordinance to provide for a city prison, and for the appointment of a keeper of the same," approved April 2, 1864.

The Mayor and Council of the city of Hoboken do ordain as follows:

City prison.

SECTION 1. That the cells erected, and being on lots numbered ninety-five and ninety-seven, Washington street, in said city of Hoboken, be and the same are hereby declared to be a city prison in and for the city of Hoboken.

City prison keeper, duties of.

SEC. 2. That the city prison keeper shall, in addition to his duties as city prison keeper, take charge of the City Hall and station house and all the departments therein, keeping them all clean and in good order at his own expense, performing the duties of janitor in said buildings and apartments under the direction of the committee on public grounds and buildings.

City prison keeper to act as janitor.

SEC. 3. That it shall be the duty of the city prison keeper as janitor, to cause all the offices, walls and apartments in said City Hall building to be thoroughly swept and dusted every morning before eight o'clock; also to wash and clean the windows and scrub the halls, floors and water closets of said building as often as directed so to do by said committee on public grounds and buildings, or whenever in his judgment the same is necessary to be done; also to keep the stoop, sidewalk and area-way in front of said City Hall swept, and at all times clear from ice and snow; also to light and heat the several apartments in said building when directed by said committee so to do, and to do and perform all other duties pertaining to the office of janitor of said building, under the direction of said committee.

Residence of keeper.

SEC. 4. That the city prison keeper shall dwell in tne City Hall building, in apartments to be assigned to him for that purpose by the committee on public grounds and buildings, and that fuel for his dwelling apartments shall be furnished by the city.

Salary of city prison keeper.

SEC. 5. That in addition to the privileges mentioned in the preceding section of this ordinance, the city prison keeper shall receive a salary of eleven hundred dollars per annum, to be paid in equal monthly payments, which salary is to be received in full satisfaction for all the services required by this ordinance, as city prison keeper and as janitor.

Repealed.

SEC. 6. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be, and the same are hereby repealed, and that the office of station house keeper be, and the same is hereby abolished.

Passed September 14, 1869.

JOHN KENNEDY, City Clerk.

Approved September 15, 1869.

HAZEN KIMBALL, Mayor.

A supplement to an ordinance to amend an ordinance to provide for a city prison and for the appointment of a keeper of the same, approved April 2, 1864.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section five be amended by striking out the words "Eleven hundred dollars," and inserting instead thereof the words "Nine hundred dollars."

Passed July 18, 1876.

GEORGE J. DUCKER, City Clerk.

Approved July 19, 1876.

JOSEPH RUSSELL, Mayor.

HOBOKEN BURIAL GROUND.

An ordinance to regulate, improve and lay out the burial ground of the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

Improving.

SECTION 1. That the Committee on Public Grounds and Buildings shall procure the burial grounds of said city to be laid out into avenues and lots, and shall cause a map to be made of the same, which map shall be filed in the city clerk's office.

Map.

SEC. 2. That the said committee are hereby empowered to lay out and improve the said cemetery; and it shall be their duty to cause the same to be enclosed by a good substantial neat enclosure, and at all times to keep such enclosure in good order and repair, and to keep and maintain the grounds in a cleanly and neat condition.

Enclosure.

Condition.

Free burial ground.

SEC. 3. That three acres of the said burial ground, free of all expenses, except the usual fee for opening graves and inspector's permit, shall be reserved for the free burial of the inhabitants of said city, upon the granting of any permit as hereinafter provided; which portion of the ground shall be selected by the said committee on public grounds and buildings.

Committee on public grounds and buildings to select.

SEC. 4. That the residue of the said burial ground may be disposed of by the said committee to any person or persons for burial purposes, with the uses and privileges of the several avenues and walks in said cemetery. That the said burial ground shall be disposed of in accordance with the plan filed in the city clerk's office as aforesaid, and in accordance with the rules and regulations governing said cemetery.

SEC. 5. That any person or persons upon application to the said committee or superintendent, and upon his or their paying the prices hereinafter mentioned, shall receive a deed from the city, declaring such person or persons to be entitled forever to the exclusive use of the lot in such deed described for burial purposes, subject to such regulations as have been or may be established by the said council in relation to the same. Sale of lots. Deed.

SEC. 6. That the prices of the lots shall be as follows: For lots of the size of eight feet wide by sixteen feet in length, the sum of eighteen dollars shall be charged; and for all lots of increased dimensions, the sum of fourteen cents per square foot will be charged. For ground for a single grave with opening and closing the same, seven dollars. Price of lots.

SEC. 7. The council of the city of Hoboken shall appoint a competent person to be known as the city inspector, who shall be superintendent of the burial ground of the city of Hoboken, and shall hold his office during the pleasure of the council. Appointment of city inspector.

SEC. 8. No interment or removal of the corpse of any deceased person shall be made or permitted in the city burial ground without the written permission of the said city inspector, who shall receive a fee of fifty cents for each permit granted from every person or persons making application for the same. Any person who shall violate any of the provisions of this section shall forfeit and pay twenty dollars for each and every offense, and shall stand committed to prison until said fine is paid. Permit. Fee. Penalty.

SEC. 9. No permit shall be presented for the interment of the corpse of any deceased person in said burial ground unless such person at the time of his or her decease shall have been an inhabitant of the city of Hoboken, except where dead bodies not recognized are found within the limits of the city of Hoboken that are shown by the verdict of a coroner's jury to have met their Permit. Bodies not recognized allowed under conditions.

death by suicide,drowning,or through any violent cause, and unless the sexton, undertaker or other person applying for such permit shall present to the said city inspector a certificate signed by the attending or family physician or by a coroner, setting forth the name of the deceased person, with the age, size, residence, occupation, place of birth and cause of death of such person, and the length of time such person shall have been an inhabitant of the city of Hoboken, as near as the same can be ascertained, which certificate shall in all cases, be filed by the city inspector in the office of the city clerk.

Certificate to the city inspector.

Certificate to be filed in the city clerk's office.

Duty of the city inspector.

Register.

SEC. 10. It shall be the duty of the city inspector to designate in such permit the precise locality where such interment shall be made. He shall keep a register of the names of all deceased persons returned to him, with all the particulars contained in the certificates presented and filed as aforesaid. He shall also state in what cases permits were granted and in what cases rejected, and the precise locality of each interment.

Permits granted and rejected.

City inspector to have the charge of the ground.

SEC. 11. The said city inspector shall have the entire charge of the said burial ground in conjunction with the committee on public grounds and buildings; and shall superintend all work required by the council to be done in preparing, regulating and ornamenting the same, under the direction and supervision of the said committee.

Owners of lots.

Gates to open into the lots.

Not remove trees.

SEC. 12. The holders of lots may ornament them with flowers and shrubbery and enclose the same with chains or railing of any material but wood, not exceeding three and a-half feet in height, the gates of which shall open into the lots, but shall not remove any trees without express permission attested to by the said committee, and shall do nothing to the injury of other lots in the cemetery. The said committee are empowered to remove or trim any trees which they may

Committee empowered to remove or trim trees.

think obstruct or mar the general effect and beauty of the scenery, or that may otherwise prove injurious or dangerous.

Graves and vaults.

SEC. 13. All graves and vaults shall be dug at least six inches within the lines of the serveral lots. No vault shall be constructed or mound raised more than eighteen inches above the surface of the ground, without the written permission of said committee; nor shall any monument construction or inscription offensive to decency or propriety be placed in any lot; and if so constructed or placed therein, the same may be removed by the said committee at the cost of the person so violating this rule.

Inscription, &c.

Removal.

Material to be removed.

SEC. 14. All materials for constructing vaults, graves or enclosures and rubbish consequent thereon shall be moved from the ground by the party constructing the same within five days, and all vaults and graves shall be dug by workmen in the employment of the City Inspector. The charge for digging the grave and for making up and sodding the same shall be two dollars, which must be paid to the city inspector at the time of receiving the permit for interment; and for every foot in depth over six feet there shall be an additional charge of twenty-five cents for each foot.

Work to be done by city inspectors workmen.

Charge.

Additional charge.

Permit for interment.

SEC. 15. No interment shall take place without a permit from the city inspector, and for each and every body placed in the receiving vault a charge of seven dollars shall be made, and if such body be removed for burial in lot or grave in said cemetery within thirty days, no charge shall be made for vault fees; if not removed within three months five dollars will be retained for use of vault, and if remaining in vault at the expiration of six months, the whole amount will be retained, and the body removed to the public ground without further charge.

Charges for use of receiving vault.

SEC. 16. All persons are prohibited from picking any

Rules. flowers, mutilating any tree or shrub, defacing or writing upon any monument, fence or building, pertaining to the cemetery, or driving over any section of lots of said cemetery; and any person disturbing the quiet and good order becoming the place, or violating any of the Penalty. foregoing rules, will be compelled instantly to leave the premises, and thereafter excluded entrance therein, and shall also be subject to the payment of a penalty of twenty-five dollars for every such offence.

Rules. SEC. 17. All persons shall have free access into the cemetery, with or without a vehicle, observing the rules which are or may be adopted for the regulation of visitors; that no person shall be permitted to drive a vehicle into said cemetery at a faster rate than six miles Penalty. an hour, under a penalty of five dollars for every such offense.

Passed November 13, 1862.

JOHN KENNEDY, City Clerk.

Approved November 14, 1862.

JOHN R. JOHNSTON, Mayor.

RELATIVE TO DEAD BODIES.

An ordinance to prescribe the mode and manner for the removal of dead persons from the city of Hoboken, and to prevent the same without proper permit from the City Inspector.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That no interment of any dead body of any human being shall be made in the city of Hoboken without a permit granted therefor by the city inspector, nor otherwise than in accordance therewith, and no sexton or other person shall assist in, or assent to, or allow any such interment or aid, or assist about preparing any grave or place of deposit for any such body, for which such permit has not been given authorizing the same. No interment to be made without a permit.

And it shall be the duty of every person who shall receive any such permit, to preserve and to return the same to the city inspector, as his regulations may require. Permits to be preserved and returned.

SEC. 2. That no new burying ground, cemetery, tomb or vault for dead bodies shall be established, nor shall the remains of any dead human body be placed in any existing burying ground, vault, tomb or cemetery in the city, nor any of said receptacles be opened, exposed or disturbed, except according to the terms of a permit therefor given by the city inspector, and every body buried in any such place, shall be buried to a depth of six feet below the surface of the ground and four feet below any closely adjacent street. No burying ground to be established within the city, or opened without a permit. Depth of grave.

SEC. 3. That every sexton and other person having charge of any burying ground, cemetery, tomb or vault in the city of Hoboken, shall, before twelve o'clock on Sextons, &c., to make returns.

Monday of each week, make return to the city inspector of the bodies and persons buried since their last return, and in such form, and specifying such particulars as the special regulations of the city inspector shall require.

No removals to be allowed without permit.

SEC. 4. That no captain, agent, or person having charge of or attached to any ferry-boat, sailing or other vessel, nor any sexton, undertaker, cartman nor any person in charge of any car, stage or other vehicle or public or private conveyance, shall convey, or allow to be conveyed thereon, or by any means aforesaid, from the city of Hoboken, the dead body of any human being, or any part thereof, without a permit from the city inspector. And the proper coupon for that purpose attached to any such permit when issued shall be preserved and returned to the city inspector, as his regulations may require, by the proper officer or person on such boat or vessel, and by the proper person in charge of any train of cars or vehicle on which any such body may be carried from the sity.

Coupons to be preserved and returned.

Bodies of dead persons not to be retained or exposed.

SEC. 5. That no person shall retain, expose or allow to be retained or exposed, the dead body of any human being to the peril of life or prejudice of the life or health of any person.

SEC. 6. That every person who omits or refuses to comply with, or who resists any of the provisions of these rules will be liable to a fine of fifty dollars for each and every offense, to be recovered by an action before the city recorder.

City inspector's fees.

SEC. 7. That the city inspector shall receive the sum of fifty cents for each and every permit granted, to be paid by the person applying for such permit.

Passed July 28, 1868.

JOHN KENNEDY, City Clerk.

Approved July 29, 1868.

F. W. BOHNSTEDT, Mayor.

AUCTIONEERS AND CRIERS.

An ordinance to license and regulate auctioneers and common criers.

The Mayor and Council of the city of Hoboken do ordain as follows:

How licensed. SECTION 1. The council of said city may at any time by resolution license any person as an auctioneer or common crier in the said city, and every license shall expire on the first Monday of June thereafter. Every person receiving such license shall pay therefor the sum of twenty-five dollars to be paid into the city treasury besides one dollar to the city clerk for drawing such license.

Price.

Bond. SEC. 2. Every person so licensed shall, at the time of receiving such license, become bound by a bond with two good and sufficient sureties, to the mayor and council of said city, in the sum of one thousand dollars, conditioned for the due observance of all the ordinances of said city, relating to their said business, which may be in force at any time during the continuance of said license.

Sales, how made. SEC. 3. All sales at public auction in the city of Hoboken, shall be made by a licensed auctioneer and no other person than an auctioneer appointed and licensed as aforesaid, his clerk or agent shall sell, or attempt to sell, by auction, within the limits of said city, under the penalty of twenty-five dollars for each and every offense.

Compensation. SEC. 4. No auctioneer appointed and licensed as aforesaid, shall demand or receive a higher compensation for his services than a commission of two-and-a-half per cent. upon the amount of sales made by him,

Agreement.

his clerk or agent, unless by agreement previously made with the owner, consignee or agent of the goods, under the penalty of fifty dollars for each and every offense.

Sales, where to be made.

SEC. 5. No licensed auctioneer or other person, shall sell or attempt to sell, at public auction, any goods, chattels or property of any description, whatever, in or upon any street, court-yard or side-walk in said city, without the written permission of the mayor first had and obtained, under the penalty of fifty dollars for each and every offense.

Sales by legal process.

SEC. 6. Nothing contained in this ordinance shall be construed to apply to sales made at public auction under and by virtue of legal process.

Unlicensed persons.

SEC. 7. No person shall exercise the business or occupation of an auctioneer, or of a common crier, without first having obtained a license therefor from the council of said city, under the penalty of twenty-five dollars for each and every offense.

Penalty.

Passed June 13, 1866.

JOHN KENNEDY, City Clerk.

Approved June 14, 1866.

FREDERICK B. OGDEN, Mayor.

DUTIES OF THE OVERSEER OF THE POOR.

An ordinance prescribing the duties of the overseer of the poor.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The overseer of the poor shall have the exclusive care and charge of the poor in the city of Hoboken, and furnish relief to such, as in his judgment, are in circumstances to require it. Overseer of the poor.

SEC. 2. He shall keep in a book to be provided for that purpose a record of the names of all applicants for relief, and those receiving relief, the amount given to each, and of all persons taken to the poor-house or placed under the care of the city physician, which list shall specify the age, sex, birth place, residence and occupation of such person, and whether married or single, citizens or aliens, whether legally chargeable to the city, how long they have resided therein, the place from whence they came, and the time of their discharge or death. Record.

SEC. 3. He shall receive applications from persons seeking relief, and diligently and faithfully inquire into the circumstances and condition, and shall distribute such sums of money and such quantity of fuel or food to the out-door poor as their circumstances, in his discretion, require. Relief.

SEC. 4. No person shall be admitted into the poor house without the written permission of the overseer of the poor, and if it shall appear that the applicant for admission is legally settled elsewhere an entry thereof specifying the legal settlement of such persons shall be made in the register required by the second section of this ordinance. Admission to poor house.

Sickness.

SEC. 5. It shall be the duty of the overseer of the poor on receiving the report of the city physician of the sickness of any indigent person, to visit and inquire into the circumstances and ability of such person, and on finding him or her unable to procure medical aid at his or her own expense, he shall direct the city physician to continue his attendance as long as necessary.

Salary.

SEC. 6. The overseer of the poor shall be paid for his servives the annual sum of two hundred and fifty dollars, in equal quarterly payments.

Passed October 12, A. D. 1855.

SAMUEL W. CAREY, City Clerk.

Approved October 20, A. D. 1855.

C. V. CLICKENER, Mayor.

An ordinance to regulate the duties of the overseer of the poor.

The Mayor and Council of the city of Hoboken do ordain as follows:

Overseer of poor to receive an order in writing from the committee on alms.

SECTION 1. That whenever any person shall make application to the overseer of the poor for relief, that said overseer shall consult with one or more of the committee on alms of said city, who together shall examine into the state and circumstances of such persous so applying as aforesaid, and if it shall appear to such member or members of the committee on alms, that such poor person is in such poor circumstances as to deserve relief, then the said member or members of said committee shall give an order in writing to said overseer to make such allowance, weekly or otherwise, to such poor person, as he or they shall think his necessities may or shall require; which order shall be a voucher for the payment or expending of so much money by the said overseer, and shall be allowed in adjusting his accounts, but no charge or expenditure of said overseer of the poor shall be audited or allowed by the council unless upon the presentation of such voucher.

Voucher.

Folio book.

SEC. 2. That the said overseer shall be provided with a folio book, well bound, wherein the name and names of all poor persons applying for relief, and being ordered the same as aforesaid, shall be registered by him with the day and year, when they were first admitted to the relief, have weekly or other sum or sums of money allowed by the said order for their relief, and the occasion which brought them under the necessity; and no person or persons shall be entered into the said book, or receive relief from the said overseer, without such order procured as aforesaid, and in case the said

Names to be registered.

overseer shall enter into the book, and receive any such poor person or persons without such order, he shall forfeit all such money and goods paid and distributed to such poor person or persons; nor shall any allowance be made to him for the same in passing his accounts.

Penalty

Overseer to make a return monthly.

SEC. 3. That at the end of each month, the overseer of the poor shall make out and present to the council at their first regular meeting thereafter, a full and true account of all monies received and paid out by him during the month, and names of the persons relieved by him, and the amounts, whether in money or orders, severally bestowed upon them and the balance, if any, remaining in his hands at the end of the month.

Passed July 24, 1861.

JOHN KENNEDY, City Clerk.

Approved July 25, 1861.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance entitled "An ordinance prescribing the duties of the overseer of the poor," approved October 20, 1855,

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall be the duty of the overseer of the poor of the city of Hoboken to meet the committee on alms twice every week at such time and place as the said committee on alms may from time to time appoint. To meet committee.

SEC. 2. He shall receive applications from persons seeking relief, and shall diligently and faithfully inquire into their circumstances and situations, and shall, under the advice and direction of the committee on alms, distribute such sums of money or such quantity of fuel or food to the poor of the city as their circumstances may require, and he shall perform such other duties as may be required of him by the committee on alms, and he shall keep a book wherein shall be recorded the name and residence of each applicant for charity, and the orders and directions relative thereto, which book shall at all times be subject to the inspection of any member of the council. Duties of office.

SEC. 3. He shall take charge of all indigent sick persons, idiots and lunatics, and provide such temporary care and relief as in his judgment their circumstances may require, and shall cause inquiry to be made to ascertain their last place of legal settlement, and as soon as practicable, in case the place of legal settlement is other than the city of Hoboken, to cause them to be removed thereto. To provide for paupers, lunatics, &c.

SEC. 4. That hereafter the overseer of the poor shall receive an annual salary of four hundred dollars, and Salary $400.

no more, as full compensation for all services required to be performed by him.

Repealed.

SEC. 5. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be, and the same are hereby repealed.

Passed October 18, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved October 26, 1870.

HAZEN KIMBALL, Mayor.

An ordinance to amend an ordinance entitled "An ordinance prescribing the duties of the overseer of the poor," approved October 20, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter the overseer of the poor shall receive an annual salary of six hundred dollars, and no more, to be paid in equal monthly payments of fifty dollars each, at the expiration of each month of service, as full compensation for all services required to be performed by him.

SEC. 2. That this ordinance shall not take effect until the term of office of the present overseer of the poor is ended.

SEC. 3. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed February 20, 1883.

THOMAS MILLER, Chairman of the Council.

Approved February 21, 1883.

E. V. S. BESSON, Mayor.

Attest:

C. H. MILLER, Acting City Clerk.

An ordinance respecting City Surveyors.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be nominated by the mayor or any member of the council, and appointed by the council one or more surveyors of this city, whose duty it shall be to assist the committee on streets and assessments in laying out and regulating all the streets, roads, wharves and slips of said city, and to lay out and survey all ground for the purpose of building upon, and to advise and direct concerning the same.

SEC. 2. The said surveyor or surveyors so to be appointed shall, before they enter upon the execution of the duties of said office, take an oath well and truly to execute the same.

SEC. 3. No person shall erect any building bounded by any of the public streets or avenues, on his, her, or their ground, unless the same be previously viewed and laid out by the said surveyors or one of them; nor in any other manner than they or one of them (with the advice and consent of the committee on streets and assessments), shall direct under the penalty of fifty dollars for each offence, for which service the surveyor shall receive a sum not exceeding five dollars.

SEC. 4. If any building shall project beyond the range of the street, road, or public ground, as laid down and ascertained by a city surveyor, the person erecting the same, shall, within twenty days after notice thereof is given him by a city surveyor, remove such building to the range so laid down as aforesaid, under the penalty of fifty dollars, and a further penalty of five dollars for every twenty four hours during which the said building shall be continued beyond such range.

Passed July 25, 1855.

SAMUEL W. CAREY, City Clerk.

An ordinance respecting City Surveyors.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be nominated by the mayor or any member of the council, and appointed by the council, one or more surveyors of this city, whose duty it shall be to assist the committee on streets and assessments in laying out and regulating all the streets, roads, wharves and slips of said city, and to lay out and survey all ground for the purpose of building upon, and to advise and direct concerning the same.

SEC. 2. The said surveyor or surveyors so to be appointed shall, before they enter upon the execution of the duties of said office, take an oath well and truly to execute the same.

SEC. 3. No person shall erect any building bounded by any of the public streets or avenues, on his, her, or their ground unless the same be previously viewed and laid out by the said surveyors or one of them; nor in any other manner than they or one of them (with the advice and consent of the committee on streets and assessments), shall direct under the penalty of fifty dollars for each offence, for which service the surveyor shall receive a sum not exceeding five dollars.

SEC. 4. If any building shall project beyond the range of the street, road, or public ground, as laid down and ascertained by a city surveyor, the person erecting the same, shall, within twenty days after notice thereof is given him by a city surveyor, remove such building to the range so laid down as aforesaid, under the penalty of fifty dollars, and a further penalty of five dollars for every twenty four hours during which the said building shall be continued beyond such range.

Passed July 25, 1855.

SAMUEL W. CAREY, City Clerk.

Approved July 31, 1855.

C. V. CLICKENER, Mayor.

CITY SURVEYORS.

An ordinance to appoint City Surveyors, define their duties and fix the compensation for services rendered.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the mayor and council of said city shall appoint so many city surveyors as the council shall from time to time deem necessary; and every city surveyor so appointed as aforesaid shall, before entering upon the duties of his office, execute a bond with approved sureties to the mayor and council of the city of Hoboken, their successors or assigns, in the penal sum of twenty thousand dollars conditioned for the faithful performance of the duties of his office.

Bond and sureties

Appointment.

SEC. 2. That the said surveyors shall by virtue of this ordinance be appointed by resolution of said council.

Street surveyor.

Duties of office.

SEC. 3. That one of said surveyors shall be selected by the council after his appointment and be designated the street surveyor, whose duty it shall be, in addition to the duties hereinafter numerated to be performed by the city surveyors, to examine the site of every building about to be erected within the limits of the city of Hoboken, when requested so to do by the owner or builder thereof, and to locate and mark the street line, and also to ascertain and mark the grade of the street line in front of the lot on which such building is about to be erected, and to give such owner or builder a certificate in writing that such lines are the street line and grade line of the said lot and said street, of which certificate a record shall be made and kept in the office of said surveyor, which record shall be open

Grade.

to the inspection of any city officer, for which service the said surveyor shall be entitled to charge and receive a fee of five dollars ($5.00), to be paid by the person at whose request said services were performed. Fees.

SEC. 4. That if any building which was not before located by the street surveyor shall project into the street beyond the line or range of the street or avenue whereon the same may front or be bounded, it shall be the duty of the street surveyor, by resolution of the Council, to notify the owner or builder thereof to cause the said building to be removed to the line or range of said street or avenue within six months after service of such notice, and in case the directions of said notice shall remain uncomplied with the owner or builder shall, jointly or severally, forfeit and pay the sum of twenty dollars, and a further penalty of five dollars for every twenty-four hours during which after the first conviction such directions shall remain uncomplied with. Removal of buildings encroaching on streets. Penalties to owners.

SEC. 5. That it shall be the duty of such of the city surveyors as may be requested by the appropriate committee of the Council to find and work out the line or lines of all avenues, streets, lanes, alleys, wharves and piers, and public lands or parks, and the proper grades, to fix monuments for such lines and grades, find and make the lines of all improvements to be made, and perform such other duties as may be required of them, and to suggest to the commissioners of assessments such matters as they may deem advisable in any of said improvements, and aid them on all such occosions with their professional knowledge or skill. To find lines of streets. Grades. Duties.

SEC. 6. It shall be the duty of one of the city surveyors, who shall be designated by the Council for that purpose, to superintend any street improvements; in such case he shall first make a preliminary survey of such street, and shall make a profile map of the centre Preliminary survey.

line of such street, showing the actual grade or surface line of the street as it is at the time of making said survey, and also showing the true established grade line to which the street is to be brought, and he shall also estimate the approximate amount of excavation and filling necessary for each improvement, and enter the same in figures on said map, which said profile maps shall be filed in the city clerk's office before advertising for proposals of contractors for such improvements, and the said profile map shall be a public record.

Established grade.

To file maps in city clerk's office

SEC. 7. The said surveyor shall make an accurate cross-section in front of every lot, the elevations to be taken at every irregularity of the ground, and he shall make full and complete notes and memoranda thereof, which said notes and memoranda shall be filed with the profile map in the office of the clerk of the city and at the same time, and shall be in like manner a public record.

To file notes and memoranda.

SEC. 8. The said surveyor shall draw specifications stating fully the manner in which the work shall be done, and the quality of the materials to be used in and for such improvements, and file the same in the city clerk's office at tne same time of filing the profile map mentioned in section six, which shall also be a public record.

Quality of materials for improvements.

SEC. 9. It shall be the duty of the city surveyor superintending any street improvement, at the request of the proper committee or inspector of such work, to ascertain and mark with stakes, all lines and grades necessary to be known, in order to carry on and complete said improvement according to specifications and contract, and furnish to the contractor or contractors a true copy of the specifications for such work on each improvement or contract.

To mark with stakes, lines and grades.

SEC. 10. That the fees of the city surveyors for any labors performed within the limits of said city, shall be

Fees for services.

as follows: That is to say, for surveying lands, running lines, grades, &c. per day of ten hours, for surveyor or engineer with instruments, nine dollars; for first assistant, three dollars and fifty cents; for each additional assistant, two dollars and fifty cents; for draughtsman five dollars. For locating lots in Hoboken: for one lot, seven dollars; for two lots, adjoining each other, ten dollars; for three lots adjoining each other, twelve dollars; for four lots adjoining each other, fifteen dollars; for each additional adjoining lot, one dollar; for giving grade for one lot, five dollars; for giving grade for two lots, six dollars; for giving grade for three lots, seven dollars; for giving grade to four lots, eight dollars; for each additional adjoining lot, fifty cents; for giving grade at the time of locating, one dollar per lot up to four lots, and fifty cents for each additional or adjoining lot. The preliminary and final survey in the filling of sunken lots, setting stakes, giving grades and estimate of the amount of filling required; For the first lot, ten dollars; for each additional lot, five dollars and fifty cents.

Fees on improvements.

SEC. 11. For all public work or improvements, the city surveyor's fees shall be at the following rates, viz.: On all improvements, the cost not exceeding ten thousand dollars, four per cent. On the cost over ten thousand dollars and not exceeding fifteen thousand dollars, three and a half per cent. On the cost over fifteen thousand dollars and not exceeding twenty thousand dollars, three per cent. On the amount or cost exceeding twenty thousand dollars, two per cent.

Curb-stone to be of proper grade.

SEC. 12. After any improvement is completed, the surveyor in charge, shall run a test level over the curb to ascertain if the said curb and other parts of the improvement have been brought to the proper grade, and he shall measure up on the ground all curb, gutter, flagging, paving, bridge-stone, &c., used in front of

each lot and at the intersections of streets on the line of said improvements, and he shall make full and complete memoranda of the same, and shall file the same with the city clerk, and said memoranda shall be a public record.

Penalties. SEC. 13. That any forfeiture or penalty arising under this ordinance may be recovered before the recorder of this city in the manner provided by the city charter for other trials for breach of ordinance and the revovery of forfeitures or penalties, and the penalties so recovered to be paid into the city treasury.

Repealed. SEC. 14. That all ordinances an parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Passed August 16, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved August 17, 1870.

HAZEN KIMBALL, Mayor.

DUTIES OF THE CITY CLERK.

An ordinance defining and prescribing the duties of the City Clerk.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. The city clerk by virtue of his office is clerk of the council and of the Commissioners of Appeals, and it shall be his duty to attend the meetings of the Council and keep correct journals and minutes of the proceedings thereof, to record the same in books to be kept in his office, and to file all reports made by any committees of the Council, and all bills presented to the said Council.

Shall be clerk of the Council and keep minutes, file reports, &c.

SEC. 2. He shall have the custody and charge of the city seal and shall cause it to be affixed to such instruments and writings as he may be authorized to do by any ordinance or resolution of the Council, or as may be necessary to exemplify any document or record in his office, or to certify any act or paper which from the records in his office shall appear to have been a public act of this corporation or a public document. He shall not affix the said seal or cause or permit it to be affixed to any instrument or writing or other paper except as in this section provided, unless required to be so by some statute of the State.

He shall have charge of the city seal.

SEC. 3. He shall have the custody and charge of, and shall safely keep, all records, documents, papers and maps in proper files in his office, except such as shall pertain to the business of any other department or office, or to be transferred thereto by order of the Council.

SEC. 4. He shall cause all resolutions and ordinances passed by the Council to be carefully and fairly en-

Resolutions and ordinances to be engrossed.

grossed in books to be provided for the purpose, within ten days of the passing thereof, respectively, together with all assessments referred to the council for confirmation and adoption, and shall record at length in a book to be provided for that purpose all official bonds.

Publication of ordinances.

SEC. 5. He shall, upon the final passage of any ordinance, prepare a copy of such as require a publication under the city charter or by the provisions of such ordinance, and cause the same, properly attested, to be published in the corporation newspaper, and shall procure and file in his office the requisite proofs of such publication.

Ordinances to be submitted to Mayor.

SEC. 6. He shall, without delay present to the mayor for his approval every ordinance or resolution passed by the council duly certified, and as soon as practicable after final action shall be had in the passage of any special ordinance or resolution notify the department or officer of the city to whom such ordinance or resolution may refer of the passage of the same, and he shall deliver to all committees such resolutions and communications as may be referred to them by the council. He shall issue notices to the respective members of the different committees of the council and to all persons whose attendance may be required upon such committee, when requested so to do by the chairman thereof, to be served by the Seargent-at-arms of the council.

Notify officer of the passage of an ordinance.

Notices to members and other persons.

Licenses.

SEC. 7. He shall countersign all licenses granted by the mayor and council under the charter and ordinances of the city, and shall receive all monies paid for the same. He shall keep an account of all licenses in a book provided for that purpose, which shall be styled and known as the "License Book." He shall deliver no licenses to the person to whom it is granted until such person pays to him the fees required by the council for such license, and signs a receipt for such license in said license book.

SEC. 8. He shall enter in a book to be provided for that purpose the names of all persons from whom he may receive monies for the city, the time when received, the amounts so received and the objects thereof, and shall render a faithful and distinct account of all such monies to the council at their next stated meeting after receiving the same, which monies he shall pay over to the city treasurer immediately upon receiving the same, taking his receipt therefor. He shall keep in his office a book known as the "ledger" in which he shall open an account with every appropriation properly indexed, voted for by the people, and kept by the treasurer, and shall charge every warrant or improvement certificate issued by the city immediately after the same has been signed by the mayor, to the appropriation or fund on which it is drawn, with the number of the warrant or certificate the date to whose order it is drawn and the amount of the same. He shall immediately after receiving a certified statement from the collector of arrears of taxes or any other official of monies paid by them to the treasurer, credit the same to the different funds as specified in said statement, and immediately thereafter file the same in his office. He shall charge to the appropriate accounts all interest paid on warrants or certificates paid by the treasurer whenever the same shall be reported to him by said officer. He shall render to the council, whenever required to do so by resolution, a statement showing the true condition of every account kept in said ledger.

Account of money to be kept in a book.

Ledger.

Render a statement.

SEC. 9. He shall keep the city clerk's office open daily, and be there in attendance from the hours eight o'clock till twelve o'clock in the morning and six to nine in the evening, during which hours he shall allow any person or persons to examine all books and papers belonging to the council without any expense, unless copies thereof be required; for which copies he shall be entitled

Office hours.

Examining books and papers.

to receive from the person demanding the same the sum of ten cents per folio.

SEC. 10. He shall attend the meetings of the commissioners of appeals in cases of taxation, shall keep correct records of the proceedings thereof, and file the same in his office; he shall also file in his office all affidavits presented to the said commissioners of appeals. He shall report to the council at their first stated meeting after the said commissioners shall have finished their duties, a statement of all taxes diminished or increased by them, showing the name of each person against whom such increase or diminution shall have been made, together with each separate amount so increased or diminished.

Commissioners of appeals.

Report to the council.

Passed May 23, 1861.

JOHN KENNEDY, City Clerk.

Approved May 24, 1861.

JOHN R. JOHNSTON, Mayor.

ASSISTANT CITY CLERK.

An ordinance to appoint an assistant city clerk of the city of Hoboken, and to prescribe his duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the council shall have power by resolution to appoint an assistant city clerk of the city of Hoboken.

SEC. 2. That it shall be the duty of the assistant city clerk to attend the city clerk's office from eight o'clock in the forenoon to four o'clock in the afternoon, and that dnring that time he shall do and perform such work in said office as shall be assigned to him by the city clerk or by the council. Defining duties.

SEC. 3. That the assistant city clerk shall also attend all council and committee meetings of said council unless excused from such attendance by the chairman of the council.

SEC. 4. That the assistant city clerk shall be required to give bond with two sufficient sureties to be approved by the mayor and council of the city of Hoboken in the sum of two thousand dollars conditioned for the due and faithful performance of the duties of his office; and that he shall not enter upon the duties of his office until the said bond is filed and approved as aforesaid. Bond $2,000.

SEC. 5. That the assistant city clerk shall receive a salary of one thousand dollars per annum to be paid in equal monthly payments. Salary $1,000.

Passed June 22, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved June 21, 1870.

HAZEN KIMBALL, Mayor.

An ordinance to amend "an ordinance to prescribe the duties of collector of taxes" approved July 6, 1855.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. The collector of taxes shall keep a cash book containing the amounts collected, from whom received, the date of their receipt, the number of each bill paid, where the party resides, the various purposes for which said taxes were assessed, and the amount of each item, the amount deducted by the commissioners of appeal, in cases of taxation, the statement for each ward shall be kept separate from the others in said book and said collector shall add together the sums contained in each column and place such aggregate sum at the foot of each column through every page.

SEC. 2. The said collector shall keep a delinquent book which shall contain the names of the delinquents, their residence, the number of their bills, and the amount thereof, and the amount deducted by the commissioners of appeal. The delinquents in each ward shall be placed together and kept separate from those in the other wards, and the said collector shall add together the sums contained in each column and place such aggregate sum at the foot of each column through every page.

SEC. 3. The said collector shall as soon as he receives the assessors books ascertain from the city clerk the several deductions and alterations made in the assessment by the commissioners of appeal and shall note the same on the assessors books in the proper column opposite each bill and he shall also add together the amounts in each column of taxes paid, taxes in arrears, and also the deductions made by the commissioners of appeal and place the same at the foot of each column in the assessors books.

SEC. 4. That the said collector whenever the amount of taxes, collected by him shall amount to the sum of ten thousand dollars shall immediately pay over the same to the officer entitled to receive the same.

SEC. 5. That the said collector shall whenever a tax bill is paid mark upon it the date when the same is paid.

SEC. 6. That for a neglect, or failure or refusal to perform any of the duties imposed on him by this ordinance he shall forfeit and pay the penalty of fifty dollars for each and every such neglect, failure or refusal.

Passed May 23, 1866.

JOHN KENNEDY, City Clerk.

Approved May 24, 1866.

FRED. B. OGDEN, Mayor.

A supplement to an ordinance entitled "An ordinance defining the duties of the collector of assessments and providing for the collection of the same," approved July 1st, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the compensation to be received by the collector of assessments for collecting any assessments for improvements in the city of Hoboken shall be on all assessments the aggregate amount of which shall be one thousand dollars or under two per cent.; and on all assessments the aggregate amount of which exceeds one thousand dollars and not over five thousand dollars one and one half of one per cent.; and on all assessments the aggregate amount of which shall be over five thousand dollars one per cent.; which said fees and per centage the said collector of assessments shall have power and authority to add to the said assessments and collect the same to and for his own use; provided, the same has not previously included in and assessed upon the property by the commissioners of assessments and the collector of assessments shall receive no fees or perquisites except the said per centage on moneys collected by him.

SEC. 2. That the ninth section of the ordinance to which this is a supplement and all other ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed.

Passed June 14, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved June 16, 1870.

HAZEN KIMBALL, Mayor.

DUTIES OF THE COLLECTOR OF REVENUE.

An ordinance prescribing the duties of the collector of revenue.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the collector of revenue of the city of Hoboken shall, before entering upon the duties of his office give bond to the city in its corporate name in the sum of seventy thousand dollars, and with such freehold security as the mayor and council may approve, conditioned for the true and faithful performance of the duties of said office of collector of revenue of the city of Hoboken, and shall also, before entering upon the duties of his said office take and subscribe an oath of office in the manner and to the effect as in and by the charter of said city required before the person in said charter mentioned, and in default thereof within the time limited by said charter for that purpose his said office shall thereby become vacant as by said charter prescribed.

SEC. 2. That it shall be the duty of the collector of revenue to receive from the city assessor the transcript or duplicate of the assessment within ten days after the same shall be made out according to law and the ordinance of the mayor and council, and he shall annually on or before the first day of November in each year give notice by advertisement, to be published in the same papers in which the proceedings of the council are published, for at least one week, and to be set up in at least four of the most public places in the city of Hoboken of the said tax, and that if it be not paid on or before the twentieth day of December, the names of delinquents and unpaid taxes will be returned to the

city clerk, to be by him laid before the council at their next meeting thereafter.

SEC. 3. The collector of revenue shall within sixty days after the receipt of the transcript or duplicate of the said assessment demand payment of the tax or sum assessed on each individual in the city, in person or by notice left at his or her place of residence, and also at the same time give notice of the time and place of the meeting of the commissioners of appeal.

SEC. 4. The collector of revenue shall be required to make out two returns of delinquent tax payers, one of which shall be called a duplicate, which shall be filed by the city clerk in his office; said returns to be entered in books properly bound and ruled, which books and the statements therein contained shall be verified by the oath or affirmation of said collector of revenue.

SEC. 5. That it shall be the duty of the collector of revenue to receive the book of delinquent tax payers when ordered to be returned to him by the council, and to proceed to collect the same according to law.

SEC. 6. That whenever the collector of revenue pays over to the city treasurer any monies it shall be his duty to deliver to said treasurer a statement showing the fund or appropriation to which the said monies should be credited. He shall also, on the first Monday of each month, deliver to the city clerk a certified statement of all monies belonging to the city, the county of Hudson, or the State of New Jersey, received by him during the preceeding month, which statement shall contain the amounts so received, and the respective funds to which the same should be credited.

SEC. 7. That in addition to his other duties it shall be the duty of the collector of revenue to countersign all warrants for the payment of money issued by the

mayor and council of the city of Hoboken and to keep an account book, to be provided for that purpose wherein each warrant shall be charged to the particular fund upon which it is drawn, and on the first Monday of each month he shall send to the council a report in writing, showing the amount of appropriation and the amount of actual cash in the hands of the city treasurer belonging to each particular fund, and also the total amount of warrants that have been drawn on each particular fund, and also the balance of each particular fund remaining unappropriated.

SEC. 8. The collector of revenue shall keep a cash book containing the amount collected, from whom received, the date of the receipt, the number of each bill paid, where the party resides, the various purposes for which said taxes were assessed, and the amount of each item, the amount deducted by the Commissioners of appeal in cases of taxation, and the statement for each ward shall be kept separate from the others in said book, and said collector shall add together the sums contained in each column and place such aggregate sum at the foot of each column through every page. The said collector of revenue shall keep a delinquent book, which shall contain the names of the delinquents, their residence, the number of their bills, and the amount thereof, and the amounts deducted by the commissioners of appeal. The delinquents in each ward shall be placed together and kept separate from those in the other wards, and the said collector shall add together the sums contained in each column, and place such aggregate sum at the foot of each column through every page.

SEC. 9. The said collector of revenue shall, as soon as he receives the assessor's books, ascertain from the city clerk the several deductions and alterations made in the assessment by the commissioners of appeal in

cases of taxation, and shall note the same on the assessor's books in the proper column opposite each bill, and he shall also add together the amounts in each column of taxes paid in arrears, and also the deductions made by the commissioners of appeal, and place the same at the foot of each column in the assessor's books.

SEC. 10. That the said collector of revenue shall, whenever the amount of taxes collected by him shall amount to the sum of ten thousand dollars, immediately pay over the same to the officer entitled to receive the same.

SEC. 11. That the said collector of revenue shall, whenever a tax bill is paid, mark upon it when the same is paid.

SEC. 12. It shall be the duty of the collector of revenue to receive from the council the list and account of the unpaid water rents, and proceed to collect the same according to law. And he shall charge interest thereon at the rate of twelve per cent. per annum from the twentieth day of December next, preceding the time the same comes to his hands, and also five per centum for collections, and the amount of such arrears of water rents and interest thereon when collected, he shall pay forthwith to the treasurer of the board of water commissioners, and shall take a voucher for the payment thereof, which he shall forthwith exhibit to the city clerk, and shall at the same time leave with the city clerk a duplicate thereof, to be filed, and the said five per cent. for collection, when collected by the collector of revenue, he shall pay over to the city treasurer, to be placed to the salary on contingent fund.

SEC. 13. It shall be the duty of the collector of revenue on the first day of May, succeeding the time when the certified list of the water rents and penalties

remaining unpaid shall have been delivered to him, to make out and deliver to the city clerk a certified copy of all water rents and penalties remaining unpaid at that date.

SEC. 14. The collector of revenue shall be further charged with the duty of collecting all assessments which may be made and duly confirmed by the council, according to the provisions of the city charter for opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, flagging and paving streets, filling sunken lots, and for all and every public improvement made in the manner provided by law.

SEC. 15. That immediately after any assessment is confirmed by the mayor and council the said assessment shall be placed by the city clerk in the hands of the said collector of revenue, who shall forthwith demand the payment of the sums due thereon from the persons who are by law required to pay the same and shall open an account with the same in books to be provided for that purpose, he shall also prepare a condensed recapitulation of the same, and cause to be transcribed into a book, to be called the Record of Assessment, containing the name of the street on which each lot is situated, with the street and assessment, number of each lot, the name of the person to whom it is assessed, the dimensions of each lot, the amount of assessment to each lot, and the total thereof, and the time of confirmation; said book shall also contain marginal blanks opposite each name for date of payment of principal and interest, to be filled in when collected; he shall within sixty days from the date of receiving the said assessment cause a duplicate of the said condensed recapitulation to be made containing the amounts which he may have received, together with the name of the delinquents and the amounts due from them respectively, to which shall be attached an affidavit that the

items therein named are true, and that payment thereof had been duly demanded as hereinbefore directed, and deliver the same to the city clerk. All moneys by him collected on any assessment so placed in his hands shall be paid over by him to the city trersurer.

SEC. 16. It shall be the duty of the collector of revenue in case any assessment named in the fifteenth section of this ordinance, shall remain unpaid for thirty days after confirmation thereof by the council, and the parties owing the same shall be willing to make the payment thereof at any time before the real estate shall be advertised for sale, to collect in addition to the amount of such assessment, interest to be computed at the rate of twelve per cent. per annum, from the time of confirmation of such assessment until the same be paid.

SEC. 17. That it shall be the duty of the collector of revenue to prepare lists of arrearages of taxes, assessments for opening or improving streets, assessments for sewers and water rents, for advertisement in the corporation newspaper of the sales of real estate, and also to prepare the schedule necessary to a sale of any of the lands, tenements and real estate of any of the delinquents, and place the same in the hands of the city clerk at least three days before the time appointed for sale, and that the said list in this section first above named shall contain an accurate description of such lands, tenements and real estate, as the same are assessed to each of the owner thereof, with the name of the person to whom it is assessed and the name of the reputed owner, the number of the lot and block, the name of the street on whom said lot fronts or along which the same may extend, the size of the lot and the amount of tax assessment or water rent for which the same may be ordered sold.

SEC. 18. That in case all the amounts shall not be

paid on any assessment for taxes, assessment for improvements, services, or water rents above mentioned, and the same shall be advertised as the city charter requires, it shall be the duty of the said collector of revenue, and he is hereby authorized to collect the unpaid assessments on the property advertised by adding interest at the rate of twelve per centum per annum, and costs incurred and to enter such collection in the records of assessments in the manner provided by this ordinance until within six days of every such sale.

SEC. 19. That it shall be the duty of the collector of revenue, in addition to the requirements herein before set forth, to answer and obey all and singular the direction of any resolution of the mayor and council to him directed in relation to the revenue of the city, or papers or copies of papers which may be or remain in his custody.

SEC. 20. The said collector shall occupy such office for the transaction of his business as may be from time to time assigned to him by the mayor and council, and his said office shall be kept open from ten o'clock to twelve o'clock in the forenoon, and from two o'clock to four o'clock in the afternoon of each day during which time he shall attend here, in order to transact the duties pertaining to his said office; provided the last mentioned clause shall not be held to apply to the month of November, during which time he shall be engaged serving notices, as required by the third section of this ordinance; and provided further, that from the tenth day of December to the twentieth day of the same month, in every year, his said office shall be kept open from nine o'clock in the morning until nine o'clock in the evening of each day, for to receive such moneys as may be offered in payment of taxes.

SEC. 21. That for neglect or failure or refusal to perorm any of the duties required or imposed upon him

by this ordinance, the collector of revenue shall forfeit and pay a penalty of fifty dollars for each and every neglect, failure or refusal.

SEC. 22. That said collector of revenue shall at least once every week and as much oftener as may be necessary, to comply with the eleventh section of this ordinance, pay over all monies by him collected to the officer entitled to receive the same.

SEC. 23. That all ordinances and parts of ordinances in any way inconsistent or conflicting with this ordinance be, and the same are hereby repealed.

Passed December 19, 1871.

PETER McGAVISK, Chairman of Council.

Approved December 20, 1871.

FREDERICK L. SCHMERSAHL, Mayor.

Attest:

FREDERICK E. ROWALD, City Clerk.

DUTIES OF THE CITY TREASURER.

An ordinance prescribing the duties of the city treasurer.

The Mayor and Council of the city of Hoboken do ordain as follows:

Duties.

SECTION 1. The treasurer shall receive, safely keep and disburse, under the direction of the council, all monies belonging to the city, he shall keep an accurate account of all receipts and payments and make a return thereof to the council at their first regular meeting in each month, and shall receive such compensation for his services as shall be fixed by the ordinance providing for the payment of salaries.

Bond.

SEC. 2. Before entering upon the duties of his office the treasurer shall execute a bond to the mayor and council of the city of Hoboken with two sufficient sureties, to be approved by the said council in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office and for the safe keeping of the money.

Cash book and duplicate.

SEC. 3. He shall keep a cash book in which he shall enter under the appropriate heads an accurate account of all receipts and expenditures and shall furnish for the use of the council and finance committee a duplicate of the same on the first meeting of each month.

Monies to be deposited in bank.

SEC. 4. The treasurer shall forthwith deposit all monies which he may from time to time receive in such one or more banks as the council may direct, and if no such direction be given, then in such bank as he shall select.

Warrants.

SEC. 5. No money shall be paid out of the treasury except on warrants signed by the mayor and city clerk.

Check book and mode of keeping.

SEC. 6. He shall keep a check book on the bank or banks in which the city deposits are made, and in the margin of said book opposite each check that shall be drawn, the amount drawn and for what purpose, and shall furnish the council the first meeting of each month with the bank and check books belonging to the city or his department, with the exact balance in the bank noted in the margin of the check book, together with the amount of cash in his hands.

Clerks to order.

SEC. 7. He shall pay with his official check to the order of the person in whose favor it shall be drawn, all warrants on the treasury.

Amount of monies raised by tax or loan.

SEC. 8. He shall make a full, true and accurate account of all monies raised by tax or loan for the use of the city since the last annual election, and of the application and expenditure of the same, and deliver said account to the council not more than thirty nor less than twenty days before the charter election, to be filed in the city clerk's office, and published in the corporation paper prior to such election, and on rendering such account he shall deliver over his vouchers for the same to the city clerk.

Redemption money.

SEC. 9. He shall receive the redemption money for the sale of property sold for taxes and assessments, on the clerk's certificate of the amount to be paid, countersigned by the city clerk.

Passed June 11, A. D. 1855.

SAML. W. CAREY, City Clerk.

An ordinance to amend an ordinance entitled an "ordinance prescribing the duties of city treasurer" passed June 11, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

To keep a ledger.

SECTION 1. The city treasurer shall keep in his office a book known as the ledger, in which he shall open an account with every appropriation or fund, in favor of which he shall receive any money, and immediately upon paying the amount of any warrant or improvement certificate, he shall charge the same to the appropriation or fund on which it is drawn, with the number of the warrant or certificate, the date, to whose order it is drawn, and the amount of the same. He shall report to the city clerk at the end of each month, all interest paid by him upon any warrant or certificate, stating therein to what particular fund the same should be charged.

Report to the city clerk.

Report to the council every three months.

SEC. 2. That the city treasurer shall at the end of every three months, from the first Monday in May, make out and present to the council at its first regular meeting thereafter, a full and detailed report of all the receipts and disbursements of the treasury during the quarter. Such report shall contain particularly the names of all persons from whom monies have been received by him, the time when received, the amounts so received, and for what purpose, or on what accounts the several amounts received by him were paid respectively and such other particulars as may be necessary to complete the said report.

SEC. 3. If any officer or employee of the city or other person, shall neglect to report or pay over to the city treasurer any moneys belonging to the city as re-

City treasurer to report neglect of officers to pay over.

quired by the charter and ordinances of the city or otherwise, it shall be the duty of the city treasurer to report the same to the council without delay.

Passed April 17, 1862.

JOHN KENNEDY, City Clerk.

Approved April 14, 1862.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance entitled "An ordinance prescribing the duties of city treasurer," passed June the eleventh, A. D., eighteen hundred and fifty-five.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall be the duty of the city treasurer to keep open his office at the City Hall in said city, and to attend therein from ten o'clock in the forenoon to twelve o'clock noon on Monday, and from ten to twelve A. M., and from seven to nine P. M. on Thursday, of each week, for the purpose of transacting the business of his said office.

SEC. 2. That before entering upon the duties of his office, the said treasurer shall execute and deliver a bond to the mayor and council of the city of Hoboken, with two or more sufficient sureties, to be approved by the said council in the penal sum of two hundred thousand dollars, conditioned for the faithful performance of the duties of his office and for the safe keeping of all monies which may come to his hands as city treasurer of said city.

SEC. 3. That all ordinances and parts ordinances inconsistent with the provisions of this ordinance be, and the same are hereby repealed.

Passed May 3, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved May 4, 1872.

F. L. SCHMERSAHL, Mayor.

DUTIES OF THE HEALTH WARDEN.

An ordinance creating the office of Health Warden and to prescribe his duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

Time of office.

SECTION 1. That there shall hereafter be a health warden in the city of Hoboken, who shall hold his office until the first Monday in May following his appointment, unless he is sooner removed by the said council.

Bond.

SEC. 2. The health warden, before entering upon the duties of his office shall execute a bond to the corporation, with two good sureties, to be approved by the council and filed in the office of the city clerk, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office.

Nuisance.

SEC. 3. It shall be the duty of the health warden, to take all necessary measures to ascertain every nuisance which may exist in the city, and to examine or cause such nuisance to be examined and forthwith to be removed.

Nuisance, manner of abatement.

SEC. 4. He may direct by an order, in writing, any nuisance or offensive or unwholesome matter or substance to be removed, corrected or abated within and before a certain time therein to be expressed, and he may also designate therein, if necessary, the manner of correcting, removing, abating or altering the same, and the place to which the same shall be removed, a copy of which order shall be served personally, upon the person in possession or some person of mature years in the occupation thereof, or in case of vacancy, by posting the same in some conspicuous place on the premises; and it shall be the duty of the owner of said

Order, on whom served.

premises, and the person in possession thereof, to remove, correct or abate the same.

Neglect or refusal.

SEC. 5. Any person, refusing or neglecting to obey the said directions or order as mentioned in the last preceding section, at or before the expiration of the time mentioned in the said order, or neglecting or refusing to obey any or either of the directions of said order, shall forfeit and pay for every such offence, the sum of twenty-five dollars.

Penalty.

Neglect or refusal.

SEC. 6. In case of the neglect or refusal of any person to comply with the order so given, as mentioned in the third section, the said health warden may cause the nuisance or matter or substance therein mentioned, to be forthwith removed or abated, and the person or persons whose duty it was to remove the same, shall be chargeable severally and respectively with the expense of such removal as a further penalty, in addition to the penalty before mentioned.

Additional penalty.

Complainants.

SEC. 7. The health warden shall and may, upon the complaint of any person or persons, when he has reason to think that there may be any nuisance existing in any place in said city, from time to time enter into and upon any premises between sunrise and sunset of any day, and examine any building, cellar, lot of ground, alley, sink, vault, cesspool or privy, within the limits of said city, and if he finds in any building, cellar, lot of ground, alley or vault, any nuisance or unwholesome matter or substance, it shall be his duty to notify in writing, the owner or occupant of said premises, to remove or abate the same within twenty-four hours from the service of said notice; and if he finds that any sink, cesspool or privy requires to be emptied and cleaned, it shall be his duty, to notify, in writing, the owner or occupant of said premises, to have the same emptied and cleaned within five days from the service of the notice; in case of the neglect or refusal of any person to

Examine.

Time.

Notice.

Time

comply within the time specified with the order so given, the said health warden may cause the nuisance or matter or substance therein mentioned, to be forthwith removed, abated or emptied, and the person or persons whose duty it was to remove or empty the same, shall be chargeable severally and respectively with the expenses of such removal, as a further penalty in addition to the penalties mentioned in section three of this ordinance.

Removal.

Additional penalty.

Power.

SEC. 8. The said health warden shall have power, and it shall be his duty, to stop, detain, examine and by order to direct to be stopped, detained and examined for the purpose of preventing the enterance of any pestilence or infections disease in the city, every person coming from any place infected or believed to be infected with such disease, and if he deems it necessary for the health of said city, he may prevent such person entering or coming into said city, and if said person is already in said city, he may remove the said person without the limits of said city, or place him in such hospital or other sanitary institution as he may deem best for the health of said city. He may cause any person who shall be suspected, by any practicing physician in said city, of being infected with any such disease, to be removed to such hospital or institution as afo esaid. He shall remove from said city, or cause to be disinfected or distroyed, any furniture, wearing apparel, goods, wares or merchandise, or article of property of any kind, landed or stored in said city, which shall be suspected by him of being tainted or infected with pestilence, or which shall be, or be likely to pass into such state as to generate or propagate disease. Every person who shall be served by said health warden with a notice requiring him or her to comply with any of the provisions of this section, and who shall therefore neglect or refuse to obey or to comply with the same, shall forfeit and pay for each and every offense twenty-five dollars.

Persons infected with disease.

Disinfected goods, &c.

Notice.

Neglect or refusal.

Penalty.

Report. SEC. 9. It shall be the duty of said health warden from time to time to report to the council of said city, any additional measures necessary to be taken by the said Board, for the protection and maintenance of the same, and especially in relation to the introduction and spread of any infectious or pestilential disease.

Council.

Interference. SEC. 10. That any person who shall obstruct, molest, disturb, or hinder the said health warden in the discharge of any duty mentioned in this ordinance, shall forfeit and pay the sum of twenty-five dollars for each and every offence.

Penalty.

Committee on public health. SEC. 11. That the said health warden shall at all times be under the control and directions of the committee on public health.

Salary. SEC. 12. That said health warden shall receive for his service the sum of three hundred dollars per annum, payable in equal quarterly payments.

Repeal. SEC. 13. That all ordinances and parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed June 13, 1866.

JOHN KENNEDY, City Clerk.

Approved June 14, 1866.

FREDERICK B. OGDEN, Mayor.

A supplement to an ordinance entitled "An ordinance creating the office of health warden and to prescribe his duties," approved June 14, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That nothing in the ordinance to which this is a supplement, shall be so construed as in any way to impair, diminish or abrogate any of the powers or duties of the Street Commissioner vested in or devolving upon him previous to the passage of the ordinance to which this is a supplement.

Passed August 28, 1867.

JOHN KENNEDY, City Clerk.

Approved August 29, 1867.

F. W. BOHNSTEDT, Mayor.

A supplement to an ordinance entitled "An ordinance creating the office of health warden, and to prescribe his duties," approved June fourteenth, eighteen hundred and sixty-six.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That every nurse or physician who shall or may be called, or employed to take care of or prescribe for any person or persons infected with any pestilential, infectious or contagious disease in the city of Hoboken, shall within twenty-four hours thereafter, report the name, or names and place or places of residence or abode of such person or persons so infected, and also the nature of the disease with which such person or persons are infected, to the health warden of the city of Hoboken.

SEC. 2. That every nurse or physician who shall or may be called, or employed to nurse, or take care of, or prescribe for any person or persons infected with any pestilential, infectious or contagious disease in said city of Hoboken, and shall neglect, or refuse to report the same as directed by the preceding section of this ordinance, shall forfeit and pay a penalty of twenty-five dollars for each and every offence.

SEC. 3. That upon receiving such report, it shall be the duty of the health warden, to inquire into the condition of such person or persons so infected as aforesaid, and, under the direction of the committee on public health, to take such action in the matter as may be deemed necessary for the public safety.

SEC. 4. That all ordinances and parts of ordinances

inconsistent with this ordinance, be and the same are hereby repealed.

Passed June 27, 1871.

PETER McGAVISK, Chairman of Council.

Approved June 29, 1871.

F. L. SCHMERSAHL, Mayor.

Attest:

FREDERICK E. ROWALD, City Clerk.

DUTIES OF CITY PHYSICIAN.

An ordinance providing for the appointment of a city physician and defining his duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

Appointment of city physician and qualifications.

SECTION 1. There shall be appointed by the council an officer to be called city physician. No person shall be appointed city physician who has not been a resident and physician in regular practice within the limits of the city of Hoboken at least twelve months next preceding such appointment.

Duties.

SEC. 2. It shall be the duty of the city physician to visit and render the necessary professional aid and skill, and furnish all medicines required, to all indigent persons and paupers residing in the city of Hoboken, as may call upon him for that purpose, or such as the overseer of the poor under the direction of the committee on alms may direct.

Duties.

SEC. 3. When the city physician shall be called upon to attend an indigent person, and shall deem it necessary to have such person removed to the poor house, or such other place as may be established by law for the reception of paupers, he shall notify the overseer of the poor, in writing, stating the reason for such removal, and the overseer of the poor shall immediately investigate the case, and if found necessary, with the approval of the committee, he shall cause such indigent person to be removed to the poor house, or other place established by law for the reception of paupers.

Overseer of the poor.

SEC. 4. It shall be the duty of the city physician to render to the council, quarterly, on the first days of May, August, November and February (the first regular

Quarterly statement.

meeting thereafter), in each year, a statement containing the name, age, condition, married or single, residence, nativity, whether citizen or alien, disease and termination of the disease, of each pauper or indigent person attended during the lost preceding quarter.

Attend meetings of the committee on alms.

SEC. 5. It shall be the duty of the city physician to attend the meetings of the committee on alms, whenever notified to attend by the chairman of said committee, and to render to said committee such information and assistance as may be required, if not inconsistent with the duties of city physician.

Compensation.

SEC. 6. The city physician shall receive for his services and expenses, the sum of one hundred and forty dollars per annum, which shall cover all expenses for medicines and medical attendance furnished the poor of this city.

Removal.

SEC. 7. The city physician may be removed by the council for mal-practice, or neglect of duty, or for any just cause, and shall hold his office until the first Monday in May next, after his appointment, or until a successor shall be appointed in his stead and sworn into office, unless sooner removed as aforesaid.

Term of office.

Passed November 13, 1862.

JOHN KENNEDY, City Clerk.

Approved November 14, 1862.

JOHN R. JOHNSTON, Mayor.

A supplement to an ordinance entitled "An ordinance providing for the appointment of a city physician and defining his duties," passed November 13th, 1862, approved November 14th, 1862.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section three of the ordinance, entitled an ordinance providing for the appointment of a city physician and defining his duties, passed November thirteenth, one thousand eighth hundred and sixty-two, be amended by adding to said section the following:

"And when such indigent person cannot receive proper treatment at such poor house or other place established by law for the reception of paupers, the city physician may, by direction and advice of the committee on alms, send such indigent persons to such hospital, as in the opinion of the city physician it may deem advisable; and that the expense of removing to and maintaining such indigent person at such hospital, be paid out of the appropriation for the support and relief of the poor."

SEC. 2. That all ordinance and parts of ordinances inconsistent herewith, be and the same are hereby repealed.

Passed February 10, 1880.

ROBT. H. ALBERTS, City Clerk.

Approved February 11, 1880.

E. V. S. BESSON, Mayor.

DUTIES OF CORPORATION ATTORNEY.

An ordinance to prescribe the duties of corporation attorney.

The Mayor and Council of the city of Hoboken do ordain as follows:

Law business.

SECTION 1. The corporation attorney shall have the charge of and condoct the law business of the corporation, and all other law business in which the city shall be interested when so ordered by the council, and shall

Opening streets.

have the charge of and conduct the legal proceedings necessary in opening, widening, or altering streets, and

Leases, &c.

draw the leases, deeds, contracts and other papers connected with the affairs of the city.

Advice.

SEC. 2. He shall from time to time when required, advise the mayor and council and their committees and officers respectively, upon all matters which may be submitted to him for his opinion.

Ordinances.

SEC. 3. He shall draw such ordinances as may be required of him by the council or any committee thereof.

Prepare bills.

SEC. 4. He shall, when required by the council, prepare the draft of any bills to be presented by the corporation of the city, to the legislature, for passage with a proper memorial for the passage thereof.

Prosecute and defend actions.

SEC. 5. He shall prosecute and defend, as the attorney of the corporation, all actions which may be brought by or against it, or any officer thereof, for or by reason of any matter or duty connected with or growing out of their respective offices, or in which the corporation are interested in any court in this state, including actions for violations of the ordinances of the council, or arising under the charter of the city, or under the laws of this state, in which the city is interested.

SEC. 6. He shall on the first regular meeting of the council, in the months of November and May in each year, report to the council the titles of all actions in his hands, prosecuted or defended, by him and then pending and undetermined, with such other information in respect thereto, as he may deem necessary or proper. Reports.

SEC. 7. He shall keep in proper books, to be provided by the council for that purpose, a register of all actions prosecuted or defended by him, and of all proceedings had therein. Register.

SEC. 8. The salary to be paid to the attorney to the corporation, shall be a full compensation as between him and the corporation, for all the service he may be required to render by this ordinance; he shall nevertheless be entitled to receive the taxable costs, in all actions and proceedings which may be conducted, prosecuted, or defended, by him, as such attorney. Salary. Costs.

SEC. 9. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the attorney to the corporation, shall forthwith on demand, deliver to his successor in office, all deeds, leases, contracts, and other papers in his hands belonging to the corporation or any of its officers, and all papers in actions prosecuted or defended by him, then pending and undetermined, together with his register thereof, and of the proceedings therein, and written consent of Substitutor of his successor in all such actions then pending and undetermined. Successor. Register.

SEC. 10. He shall institute an action in any of the cases in this ordinance mentioned, when instructed to do so by the council any committee thereof, or upon the complaint of any other person, when in his judgment the public interest requires that the same shall be prosecuted. Actions.

SEC. 11. He may by and with the consent of the mayor, or the committee on laws and ordinances com-

Compromise. promise with the party complained of, either before or after an action shall have been brought, for any violation of an ordinance of the council, when the penalty does not exceed twenty dollars, and when in his judg-
Penalty. ment the public interest does not require that an action shall be prosecuted therefor.

Action. SEC. 12. In all actions which he is required to prosecute he shall appear as the attorney and counsel of the corporation.

Appeal. SEC. 13. He shall not bring an appeal in any action in which judgment shall have been given against the corporation, except by direction of the council.

SEC. 14. He shall on the first Monday in the months
Report of November and May in each year, report to the treasurer a statement under oath, of the actions instituted by him and settled before judgment, of the complaints compromised by him in which no action shall have been commenced, and of all actions prosecuted to judgment with the result thereof, whether for or against the corporation and whether an execution has been issued thereon, and if so, whether it has been collected and shall include therein a particular account,
Penalties. item by item of all penalties or other moneys, which he may have received for the corporation, and from whom they are received, respectively, and on what account, and when paid he shall also state therein, item
Fees. by item an account of officers or court fees paid by him, and on what account and when they were respectively paid, and shall exhibit at the foot of the account the balance thereof, whether for or against the corporation.

SEC. 15. If the account shall exhibit a balance in his hands, in favor of the corporation, he shall forthwith pay over such balance to the treasurer, and shall
Treasurer. thereupon receive from the treasurer, a voucher for the payment thereof, which he shall forthwith exhibit

to the city clerk, and shall at the same time leave with him a copy thereof. City Clerks.

SEC. 16. If the account exhibit a balance against the corporation, the council upon being satisfied of the correctness thereof, shall certify the same, which shall authorize a warrant to be drawn, according to the form of the charter, for the amount of such balance. Warrants.

SEC. 17. Every officer employed by the corporation attorney to s. rve process in an action brought by him in the name of the corporation, shall pay to the corporation attorney all monies which he may receive, both for penalties and costs upon a judgment, and the corporation attorney shall at least, once in every month, pay every officer so employed by him, his legal fees and costs. Officers duties.

SEC. 18. The corporation attorney shall, before entering upon the duties of his office, execute a bond to the corporation, with sureties to be approved by the council, in the penal sum of one thousand dollars conditioned for the faithful performance of his office. Bond.

SEC. 19. That the corporation attorney shall be appointed by the council as provided for in the amendments to the city charter. Appointment.

SEC. 20. That the ordinance entitled "an ordinance to prescribe the duties of corporation attorney," approved the eighth day of June, A. D., eighteen hundred and fifty-five, and all ordinances and parts of ordinances heretofore passed and inconsistent with the provisions of this ordinance are hereby declared to be repealed. Repeal of ordinance.

Passed February 5, 1863.

JOHN KENNEDY, City Clerk.

Approved February 6, 1863.

SALARIES OF CORPORATION ATTORNEY AND SUPERINTENDENT OF THE COMMON SCHOOLS.

An ordinance to amend an ordinance entitled an ordinance to amend an ordinance entitled an ordinance to amend an ordinance to fix the salaries of corporation attorney and superintendent of common schools, passed February eleventh, A. D., eighteen hundred and fifty-seven, which amendment was passed June the twenty-ninth, A. D., eighteen hundred and sixty-nine.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be appointed by the council a competent person, who shall be known as the corporation attorney of the city of Hoboken, and shall hold his office until the first Monday in May next after his appointment, and after said time expires, until another shall be appointed in his place.

SEC. 2. That hereafter, the corporation attorney shall be paid the sum of twelve hundred dollars per annum, in equal quarterly payments, for services rendered the city as such officer.

SEC. 3. That the duties of said corporation attorney shall be the same as laid down and prescibed in an ordinance to prescribe the duties of corporation attorney, approved February sixth, eighteen hundred and sixty-three.

SEC. 4. That all ordinances and parts of ordinances

inconsistent with the provisions of this ordinance be, and the same are hereby repealed.

Passed May 23, 1871.

PETER McGAVISK, Chairman of the Council.

Approved May 24, 1871.

FREDERICK L. SCHMERSAHL, Mayor.

Attest:

FREDERICK E. ROWALD, City Clerk.

DUTIES OF THE SLTICE GATE KEEPER.

Amendatory, sluice gate keeper's ordinance.

An ordinance to amend an ordinance entitled "an ordinance to provide for the appointment of a Sluice Gate Keeper and defining his duties, approved July 30, 1869.

The Mayor and Council of the city of Hoboken do ordain as follows:

Repealed.

SECTION 1. That the ordinance entitled "an ordinance to provide for the appointment of a sluice gate keeper, and defining his duties," approved July 30, 1869, be, and the same is hereby repealed and that the said office be and the same is hereby abolished.

Appointment of persons to attend to sluice gates.

SEC. 2. That the council shall have power to appoint one or more person or persons to attend to the opening and closing of the sluice gates in the city of

Cost.

Hoboken, at a cost not exceeding five hundred dollars per annum.

Superintendence.

SEC. 3. That the said person or persons so appointed to attend to opening and closing said sluice gates, shall do and perform their duties under the direction of the committee on sewers.

Bonds.

SEC. 4. That the person or persons appointed to attend the said sluice gates, shall be required to give bond to the mayor and council of the city of Hoboken, in the sum of one thousand dollars each, conditioned for the faithful performance of his or their duties.

Passed Feb. 15, 1870.

JOHN KENNEDY, City Clerk.

Approved Feb. 18, 1870.

HAZEN KIMBALL, Mayor.

DUTIES OF THE WEIGHMASTER.

An ordinance to provide for the appointment of a Weighmaster, and to prescribe his duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be appointed by the council, a competent person who shall be known as the Weighmaster of the city of Hoboken, and shall hold his office until the first Monday in May next after his appointment. Appointment of weighmaster.

SEC. 2. The said weighmaster, before entering upon the duties of his office, shall execute to the mayor and council of the city of Hoboken, a bond in the penal sum of five hundred dollars with two sufficient sureties, conditioned for the faithful performance of the duties of his office, and for the safe keeping of all weights, measures or instruments furnished him by the council for the use of his office, or property belonging to the said city, and for the due return of the same on the requisition of the council. Bond. Duties.

SEC. 3. It shall be the duty of the weighmaster, and he is hereby authorized and required, at least once in each and every year, and as much oftener as he shall think proper to and examine all weights, measures, scale beams, patent balances, steel yards and other instruments used in weighing and measuring any article intended to be purchased or sold in the city of Hoboken. Examine weights, measures, &c.

SEC. 4. All persons using weights, measures, scale beams, patent balances, steel yards or any other instrument in weighing or measuring any article intended to be purchased or sold in the city of Hoboken, shall

Sealed and marked.

cause the same to be sealed and marked by the weighmaster. All measures of extension on counters or other fixtures, shall be marked by brass headed nail or nails of such other material and of such size as may be plainly seen and distinguished.

Penalty for unsealed and marked weights and measures.

SEC. 5. Any person, who shall in weighing or measuring any article for purchase or sale, within the city of Hoboken, use any weight, measure, scale beam, patent balance, steel yard or other instrument not sealed and marked as is required by the fourth section of this ordinance, shall forfeit and pay twenty-five dollars for every such offence.

SEC. 6. All weights, measures, scale beams, patent balances and other instruments for weighing or measuring to be sealed and adjusted by the weighmaster in the city of Hoboken, shall be made conformable to the standard of weights and measures of this State; and shall be marked by him with the initials of his name and the year in which the same is sealed and marked.

Standard.

SEC. 7. If any person shall use in the city of Hoboken, in weighing or measuring, as aforesaid, any weight, measure, scale beam, patent balance, steel yard or other instrument, which shall not be conformable to such standard, or shall use in weighing, as aforesaid, any scale beam, patent balance, steel yard or other instruments, which shall be out of order or incorrect, or which shall not balance, he, she, or they shall forfeit and pay twenty-five dollars for every such offence.

Penalty.

Exhibition of weights, &c.

SEC. 8. No person shall refuse to exhibit any weights, measures, scale beams, patent balances, steel yards, or other instruments to the weighmaster for the purpose of being examined and inspected, as aforesaid, nor shall any person in any way or manner obstruct, hinder or molest the said weighmaster in the performance

Molest.

of his duties, under the penalty of twenty-five dollars for every such offence. Penalty.

Sec. 9. The weighmaster shall be entitled to receive and demand the following fees for inspecting and examining weights, measures, scale beams, patent balances, steel yards and other instruments for weighing and measuring used in the city of Hoboken.

For every weight of fourteen pounds or upwards—three cents. Fees.

For every weight of a smaller denomination—one and a half cents.

For every liquid measure—two cents.

For every yard and dry measure—three cents.

For every scale beam, patent balance, steel yard or other instrument for weighing—three cents.

Sec. 10. All weights, measures, scale beams, patent balances, steel yards and other instruments used for weighing and measuring shall be inspected and examined at the stores and places where the same may be used; but in case they or any of them shall be found not conformable to the standard of this State, they may be adjusted, sealed and marked by the said weighmaster at the store or place where the same may be used, or they shall be sent by the owner thereof at his expense, to the office of the weighmaster for the purpose of being adjusted, sealed and marked within three days after the owner thereof shall be required so to do, in writing, by the said weighmaster, under the penalty of ten dollars for every such neglect. Weights, &c., where inspected. Penalty.

Sec. 11. It shall not be lawful for the said weighmaster to make the aforesaid charges for inspecting and examining weights, measures, scale beams, patent balances, steel yards or other instruments used for weighing and measuring more than once in each year, unless they shall be found not conformable to the standard. Weighmaster's duties.

Sec. 12. The said weighmaster shall be entitled to demand and receive the following fees for sealing and marking weights, measures, scale beams, patent balances, steel yards and other instruments for weighing and measuring used in the city of Hoboken.

For sealing and marking any scale beam, patent balance, steel yard or other instrument in the city of Hoboken, as follows:

Fees.

If the same be gauged to weigh one hundred pounds and under twelve cents, and if from one hundred pounds to two hundred and fifty pounds inclusive, twenty-five cents. From two hundred and fifty pounds to five hundred pounds inclusive, fifty cents. From five hundred pounds to one thousand pounds inclusive, seventy-five cents. From one thousand pounds to fifteen hundred pounds inclusive, one dollar. From fifteen hundred pounds to two thousand pounds inclusive, one dollar and fifty cents, and over two thousand pounds, two dollars.

For sealing and marking measures of extension on any counter or other fixture, for one yard, together with its sub-divisions so measured, sealed and marked, the sum of twenty-five cents; and for every additional yard with its sub-divisions so sealed and marked, the sum of twelve cents. The owner of such counter or other fixture shall furnish the proper nails for marking such measures. For sealing and marking all other measures of extension at the rate of twelve cents per yard, but not to exceed fifty cents for any measure. For sealing and marking every weight, three cents. For sealing and marking liquid and dry measures: For every measure under one gallon, three cents. For one gallon and over, five cents each gallon. For sealing and marking every measure of half a bushel, ten cents; and for every measure of a smaller denomination, five cents; and for every measure of one-half bushel or over, twenty-five cents.

Fees, by whom paid.

SEC. 13. The fees of the said weighmaster shall be paid by the owner or person in possession of the weights, measures, scale beams, patent balances, steel yard or other instruments used for weighing and measuring at the time the same shall be inspected and examined or sealed and marked as aforesaid; and in default thereof, such owner or person shall forfeit and pay twenty-five dollars for such default.

Penalty.

Weighmaster to have charge of city weights, &c.

SEC. 14. The weighmaster shall have charge of all the standard beams, weights and measures belonging to the city, and shall carefully keep and preserve the same; and upon the expiration of his term of office or his resignation thereof, or removal therefrom, deliver the same to his successor in office or to any person duly authorized by the council to take possession thereof.

Successor.

Passed July 16, 1863.

JOHN KENNEDY, City Clerk.

Approved July 17, 1863.

LORENZO W. ELDER, Mayor.

An ordinance to amend an ordinance, to provide for appointment of a weighmaster and to prescribe his duties, approved July 17, 1863.

The Mayor and Council of the city of Hoboken do ordain as follows:

Weighmaster's duties.

SECTION 1. That it shall be the duty of the weighmaster whenever requested by the owner or consignee of any coal, grain or other merchandize, landed and delivered at any wharf of the city of Hoboken, to weigh the same; and to deliver to such owner or consignee a certificate of the weight of such coal, grain or other merchandize, upon such owner or consignee paying to him the following fees, viz.: six cents for every ton of coal, fifty cents for every one hundred bushels of grain, and two cents for every one hundred pounds of other merchandize measured or weighed by him.

Fees.

Passed October 29, 1863.

JOHN KENNEDY, City Clerk.

Approved October 30, 1863.

LORENZO W. ELDER, Mayor.

An ordinance to amend "An ordinance to provide for the appointment of a weighmaster, and to prescribe his duties."

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter the council of said city may at any time, by resolution approved by the mayor of said city, appoint as many persons weighmasters of the city of Hoboken as they shall deem necessary; and every weighmaster appointed under this ordinance shall have the same powers and be subject to the same duties and liabilities as a weighmaster appointed under the ordinance to which this is amendatory. Appointment of weighmasters. Powers and duties.

SEC. 2. That all ordinances and parts of ordinances inconsistent herewith be, and the same are hereby repealed. Repeal.

Passed August 28, 1867.

JOHN KENNEDY, City Clerk.

Approved August 29, 1867.

F. W. BOHNSTEDT, Mayor.

A supplement to an ordinance entitled "an ordinance to provide for the appointment of a weighmaster, and to prescribe his duties," approved July 17th, 1863.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the ordinance entitled "an ordinance to amend an ordinance to provide for the appointment of a weighmaster, and to prescribe his duties," approved August 29th, 1867, be and the same is hereby repealed.

SEC. 2. That hereafter the mayor and council of the city of Hoboken may by resolution appoint as many proper and fit persons to be public weighers in said city as they shall see fit, and shall deem necessary from time to time, who shall give bonds in the sum of five hundred dollars for the faithful performance of their duties; provided, however, that nothing in this ordinance shall be held to give to such weighers, any power or authority to inspect or seal weights and measures in said city.

SEC. 3. That all ordinances and parts of ordinances inconsistent herewith, be and the same are hereby repealed.

Passed February 3, 1880.

ROBT. H. ALBERTS, City Clerk.

Approved February 9, 1880.

E. V. S. BESSON, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to provide for the appointment of a weigh master and to prescribe his duties," approved July 17, 1863.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That in lieu of the fees allowed by said ordinance the weighmaster shall charge for and receive for inspecting and examining every weight of fourteen pounds or upwards two cents.

For every weight of a smaller denomination, one cent.

For every liquid measure two cents.

For every yard and dry measure two cents.

For every scale beam, patent balance, steel yard or other instrument for weighing two cents.

For sealing and marking any scale beam, patent balance, steel yard or other instrument in the city of Hoboken, as follows.

If the same be guaged to weigh one hundred pounds and under, nine cents; and if from one hundred pounds to two hundred and fifty pounds, inclusive, eighteen cents, from two hundred and fifty pounds to five hundred pounds, inclusive, thirty five cents, from five hundred pounds to one thousand pounds, inclusive, fifty cents, from one thousand pounds to fifteen hundred pounds, inclusive, seventy five cents; from fifteen hundred pounds to two thousand pounds, inclusive, one dollar, and over two thousand pounds, one dollar and twenty five cents.

SEC. 2. That all ordinances and parts of ordinances inconsistent with this ordinance be and the same are hereby repealed: provided, that this ordinance shall not change any fees fixed by the ordinance to which

this is an amendment, except those specially enumerated in section nine, and the first three paragraphs of section twelve.

Passed April 29, 1881.

ROBT. H. ALBERTS, City Clerk.

Approved May 2, 1881.

JOHN A. O'NEIL, Mayor.

DUTIES OF POUND-KEEPER.

An ordinance prescribing the duties of the pound-keeper.

The Mayor and Council of the city of Hoboken do ordain as follows:

Pound-keeper to keep account and make returns.

SECTION 1. The keeper of the public pound shall have charge of the same, and shall keep a register of all animals impounded and an account of all fees received by him, and shall make quarterly returns of the same to the city clerk.

Animals to be impounded.

SEC. 2. All swine, horses, goats and neat cattle (except milch cows), between sunrise and sunset, running at large in this city, may be taken by any person to the public pound, to be there received and confined by the keeper or his assistant, who shall pay such person twenty-five cents for each animal so delivered; and all animals so impounded shall be held until they shall be lawfully sold or redeemed.

Fees for impounding.

Redemption fees.

SEC. 3. If the owner of any animal so impounded shall apply to the keeper for redemption thereof, and shall tender to the keeper one dollar for each animal, in addition to twenty-five cents per day for feeding such animal (except pigs of less weight than forty pounds, for which half price shall be charged), then such animal shall be delivered to the owner thereof.

Animals to be sold at auction notices of sale.

SEC. 4. All impounded animals not redeemed by the owner thereof within ten days thereafter, shall be sold at public auction, at the pound, by the keeper, to the highest bidder, on not less than twenty-four hours notice of sale, which notice, containing a brief description of the animal, shall be conspicuously posted on or near the pound, excepting that for the sale of any horse

or neat cattle, three days notice shall be given, by posting the same in printed handbills, in two public places in each ward in the city.

Avails of Sale.

SEC. 5. The pound-keeper shall, on application of the owner, pay over the avails of the sale of any animal sold, deducting therefrom the fees named in section three of this ordinance, and twenty-five cents for selling the same, together with all expenses of advertisement; and provided such avails shall not be called for within thirty days, the same shall be paid into the city treasury.

Time for opening public pound.

SEC. 6. If any person shall break or open or attempt to open the public pound, or take or let out any animal therein impounded, he, she or they so offending, shall for each offense, be subject to a fine not less than ten nor more than fifty dollars, or imprisonment in the city prison for a term not exceeding ten days.

Rescue penalty.

SEC. 7. If any person shall rescue, or attempt to rescue, any animal from the custody of any person who shall be driving or taking it to the pound, he, she or they so offending, shall, for each animal so rescued or attempted to be rescued, be punished by imprisonment in the city prison fourty-eight hours, or pay a fine of ten dollars.

Swine.

SEC. 8. It shall be the special duty of the street commissioner and the keeper of the public pound, to cause all swine running at large to be taken to the public pound.

Hog sties.

SEC. 9. No hog-sty or pen shall be placed within three feet of any lot owned by another person, without the consent of the owner or occupant, under a penalty of five dollars, and the further penalty of five dollars for every week the same shall remain in that situation, and

Penalty.

every pen or sty shall be cleaned out at least once a week, under the penalty of two dollars.

Passed July 6, A. D. 1855.

SAMUEL W. CAREY, City Clerk.

Approved July 6, A. D. 1855.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to prescribe the duties of pound-keeper."

The Mayor and Council of the city of Hoboken do ordain as follows:

Repealed milch cows.

SECTION 1. That so much and such parts of a certain ordinance entitled "an ordinance to prescribe the duties of pound-keeper," passed the sixth day of July, eighteen hundred and fifty-five, as authorized or allows, or purports to authorize or allow milch cows between sunrise and sunset to run at large in the streets of Hoboken, be and the same is hereby repealed, and that from and after the passage of this ordinance it shall not be lawful for any milch cow, or any other cow, to run at large in any of the streets of Hoboken, and that all such cows found running at large shall be liable to be impounded in the same manner as the other animals mentioned in said ordinance.

Penalty.

SEC. 2. The pound-keeper shall be subject to a penalty of five dollars for any neglect or refusal to comply with the provisions of the ordinance defining his duties.

Repealed.

SEC. 3. That all ordinances and parts of ordinances the provisions of which conflict with this ordinance be and the same are hereby repealed.

Passed June 16, A. D. 1858.

A. O. EVANS, City Clerk.

Approved June 19, A. D. 1858.

JAMES H. WILSON, Acting Mayor.

An ordinance further to amend an ordinance entitled "an ordinance relating to pound-keeper."

The Mayor and Council of the city of Hoboken do ordain as follows:

Pound keepers duties.

SECTION 1. That from and after the twenty-seventh day of June next, the pound-keeper of the said city shall be and he is hereby authorized to pay to each and every person who shall bring any dog to the public pound, during the continuance in force of the mayor's proclamation against dogs running at large in the public streets, the sum of one cent, and no more, for each and every dog found running at large in said city, which sum he shall be entitled to be paid out of the city treasury upon the presentation of his bill properly sworn to. And the said pound-keeper shall also be entitled to be paid from the city treasury the sum of fifty cents and no more for each dog which he may kill according to the provisions of the ordinance, to which this is an amendment, and no more.

City treasury.

Repeal of ordinances.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed May 26, 1863.

JOHN KENNEDY, City Clerk.

Approved May 30, 1863.

LORENZO W. ELDER, Mayor.

An ordinance to appoint a pound-keeper of the city of Hoboken, and to establish a public pound in said city.

The Mayor and Council of the city of Hoboken do ordain as follows:

Public pound where situated.

SECTION 1. That the mayor and council shall have power by resolution, to appoint a pound-keeper of the city of Hoboken.

SEC. 2. That the building and yard situate on the southerly side of Ferry street on the lands leased of the Hoboken Land and Improvement Company for that purpose be and the same is hereby established to be a public pound of the city of Hoboken.

Passed June 14, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved June 16, 1870.

HAZEN KIMBALL, Mayor.

A supplement to an ordinance entitled "An ordinance prescribing the duties of the pound-keeper," approved July 6th, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That all swine and goats found running at large in this city may be taken by any person to the public pound, to be there received and confined by the pound-keeper, or his assistant, who shall pay such person the sum of two dollars for each of such animals so delivered and all animals so impounded shall be held until they shall be sold or redeemed.

SEC. 2. That if the owner of any swine or goat or goats so impounded shall apply to the keeper of said public pound to redeem the same, and shall tender to said keeper three dollars for each swine or goat so impounded, in addition to the sum of twenty five cents per day for feeding such animal, then such animal or animals shall be delivered to the owner thereof.

SEC. 3. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed December 23, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved December 24, 1872.

F. L. SCHMERSAHL, Mayor.

An ordinance to appoint a pound-keeper, to prescribe his duties and to establish a public pound in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the mayor and council shall have power by resolution to appoint a pound-keeper, who shall hold office during the pleasure of the said mayor and council and until his successor is appointed.

SEC. 2. The keeper of the public pound shall have charge of the same and shall keep a register of all animals impounded and an account of all fees received by him, and shall make quarterly returns of the same to the city clerk.

SEC. 3. All horses, goats and neat cattle running at large in this city, may be taken by any person to the public pound, to be there received and confined by the keeper or his assistant, who shall pay such person for each animal so delivered twenty five cents.

SEC. 4. If the owner of any animal so impounded, shall apply to the keeper for redemption thereof, and shall tender to the keeper one dollar for each horse or neat cattle and five dollars for each goat in addition to twenty five cents per day for feeding such animal, then such animal shall be delivered to the owner thereof.

SEC. 5. Every impounded horse or neat cattle not redeemed by the owner thereof within ten days thereafter shall be sold at public auction, at the pound by the keeper, to the highest bidder, on not less than three days notice of sale, which notice, containing a brief description of the animal shall be conspicuously posted on or near the pound.

SEC. 6. Every impounded goat which is not redeemed by the owner thereof within five days thereafter shall be sold at public auction at the pound by the

keeper and if the same do not bring a sufficient sum to pay all the expenses attending the impounding, the same shall be killed by the pound-keeper and the carcass sold to defray the said expenses of impounding.

SEC. 7. The pound-keeper shall, on application of the owner, pay over the proceeds of the sale of any animal sold, deducting therefrom the fees named in section four of this ordinance and twenty five cents for selling the same, together with all the expenses of advertising.

SEC. 8. In case of the sale of any impounded animal or animals, the said pound-keeper shall retain out of the proceeds of such sale, sufficient to pay the amount of his fees, and all charges incurred by him, on account of said animal or animals, and in case of the redemption of any animal or animals he shall retain the amount of his fees and charges and one half of the redemption fee, and in case of the killing of any goat or goats, when any surplus shall remain, after the payment of his fees and charges, from the sale of any carcass or carcasses, one half of said surplus; and in the case of the sale of any impounded animal or animals, when a surplus shall remain over, and no application for the same be made by the owner or owners as provided in section seven, one half of said surplus; which said fees, charges and moieties and none other shall be and constitute the pay and remuneration of the pound-keeper.

SEC. 9. It shall be the duty of the pound-keeper quarterly to make out and present to the mayor and council, a full and detailed report, showing the number of animals received into and discharged from the public pound during the said quarter, the particular date when each animal was so received and discharged and whether the same was redeemed, sold or killed and if redeemed how much was received by him on account of such animal, and the name of the person from whom it was received, and if sold or killed how much was paid

therefor, the name of the purchaser and the amount of the pound master's fees and charges thereon, and the balance if any remaining over and above such fees and charges and to whom paid and the balance of such moneys remaining in his hands, which balance if any, deducting the moieties as provided in the eighth section, shall, prior to making such report be paid to the city treasurer.

SEC. 10. If any person shall break or open or attempt to open the public pound or to take or let out any animal therein impounded, he, she or they so offending shall for each offence, be subject to a fine not less than ten or more than fifty dollars or imprisonment in the city prison for a term not exceeding six days.

SEC. 11. If any person shall rescue or attempt to rescue any animal from the custody of any person who shall be driving the same to the pound, he, she or they so offending shall for each animal so rescued or attempted to be rescued, be punished by imprisonment in the city prison forty-eight hours or pay a fine of ten dollars.

SEC. 12. It shall be the special duty of the street commissioner and the keeper of the public pound to cause all goats, running at large to be taken to the public pound.

SEC. 13. All ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

Passed January 25, 1876.

JOHN R. McCULLOCH, City Clerk.

Approved February 2, 1876.

JOSEPH RUSSELL, Mayor.

A further supplement to an ordinance prescribing the duty of the pound-keeper, approved July 6, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the pound-keeper of the city of Hoboken shall receive the following fees:

For horses and neat cattle impounded the sum of two dollars per head, to be paid by the owner as a redemption fee.

For every goat, sheep, calf, or pig, one dollar and fifty cents as a redemption fee to be paid by the owner or claimant.

In addition, the pound-keeper shall be entitled to receive forty cents per day for feeding any animal, not exceeding ten days, to be paid by the owner or claimant.

SEC. 2. That for selling every animal the pound-keeper shall receive fifty cents, and when sale has been made the fees, costs, and allowances provided for in this ordinance, shall be deducted from the proceeds of such sale.

SEC. 3. That all other fees or allowances allowed by the ordinance to which this is a supplement, shall remain as heretofore fixed.

SEC. 4. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed April 18, 1882.

ROBT. H. ALBERTS, City Clerk.

Approved April 29, 1882.

E. V. S. BESSON, Mayor.

DUTIES OF THE STREET COMMISSIONER.

An ordinance prescribing the duties of street commissioner.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The street commissioner shall by virtue of his office be one of the surveyors of the city of Hoboken.

Bond.

SEC. 2. The street commissioner before entering upon the duties of his office, shall execute a bond to the corporation with two good sureties, to be approved by the council and filed in the office of the city clerk in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office.

Report.

SEC. 3. The street commissioner shall ascertain and report to the appropriate committee of the council, from time to time, what improvements or repairs are necessary to any of the streets, sidewalks, alleys, reservoirs, sewers or wells and pumps in the city of Hoboken, and the best mode of making such repairs or improvements, and shall superintend the making of the same.

Improvements, &c.

SEC. 4. He shall, when required by the council, or any committee thereof, enquire into and report upon all applications to the council in relation to opening, regulating, grading, filling, re-filling, curbing, guttering, paving, re-paving and repairing streets, and alleys, building and repairing wharves and piers, digging and building wells, constructing sewers, and shall, when required by the council or any committee thereof, report a survey and plan of the work and

superintend the work for the same, when ordered to be done. Superintendence.

Sec. 5. He shall direct the removal of any article or thing whatsoever which may encumber or obstruct any street, sidewalk, alley, wharf or pier in the city of Hoboken, under the penalty prescribed by ordinance. Removal of obstructions.

Sec. 6. He shall attend to the location of buildings on lots about to be built upon and report to the attorney to the corporation all encroachments on the streets, avenues or alleys in the city. Location of building.

Sec. 7. He shall report to the council or the appropriate committee thereof, all assessments made against the corporation or awards for any proposed opening or widening of any street, avenue or alley, with the amount assessed in each case and the circumstances connected therewith. Opening and widening of streets.

Sec. 8. He shall have a general superintendence and care of all streets, alleys and public grounds of this city, and it shall be his duty to see that the same are not improperly obstructed or encumbered; that the streets and alleys are kept in good repair; that the trees and lamps are not injured or destroyed, and that nuisances or any thing of any offensive or unwholesome nature shall be removed from and not permitted therein. Superintendence of streets.

Sec. 9. He shall, with the consent and under the direction of the street committee, and at the reasonable cost of the city, repair or cause to be repaired and kept in safe and good condition, all that part of the streets used as a carriage-way which are paved with stone. Repairs to streets.

Sec. 10. It shall be the duty of the street commissioner to give the inhabitants sufficient notice designating the regular days of sweeping, on which days all ashes, filth and rubbish may be placed in the street for removal. Notice of street cleaning.

Nuisances.

SEC. 11. It shall be the duty of the street commissioner to take all necessary measures to ascertain every nuisance which may exist in the city and examine or cause such nuisance to be examined and forthwith to be removed.

Removal and abatement of nuisances.

SEC. 12. The said street commissioner, by and with the consent and advice of the committee on streets, may direct, by an order, in writing, any nuisance or offensive or unwholesome matter or substance to be removed, corrected or abated within and before a certain time therein to be expressed, which shall be for not less than three days, and not more than ten days, and he may also designate therein, if necessary, the manner of correcting, removing, abating or altering the same, and the place to which the same shall be removed, a copy of which order shall be served personally upon the person in possession or some person of mature years in the occupation thereof, or in case of vacancy by posting the same in some conspicuous place on the premises, whose duty it shall be to remove, correct or abate the same.

Penalty for non-compliance with orders of street commissioner.

SEC. 13. Any person refusing or neglecting to obey the said directions or order, as mentioned in last preceding section, at the expiration of the time mentioned in the said order, or neglecting or refusing to obey any or either of the directions of said order, shall forfeit and pay for every such offence the sum of five dollars, the same to be sued for and recovered, for the use of the city, by the city attorney in their corporate name.

Provisions in case of refusal to comply with orders of street commissioner.

SEC. 14. In case of the neglect or refusal of any person to comply with the order so given, as mentioned in the twelfth section, the said street commissioner, by and with the advice and consent of the committee on streets, may cause the nuisance or matter or substance therein mentioned, to be forthwith removed or abated,

and the person or persons whose duty it was to remove the same, shall be chargeable severally and respectively with the expenses of such removal in addition to the penalty before mentioned.

Street commissioner to enter premises and abate nuisances thereon.

SEC 15. The street commissioner shall and may upon the complaint of any person or persons, when he has reason to think that there may be any nuisance, from time to time enter into and upon any premises, between sunrise and sunset of any day and examine any building, cellar, lot of ground, alley, sink, vault, cesspool or privy, within the limits of this city, and if he finds in any building, cellar, lot of ground, alley or vault any nuisance or unwholesome matter or substance, it shall be his duty to notify in writing the owner or occupant of said premises to remove or abate the same within twenty-four hours from the service of the notice; and if he finds that any sink, cesspool or privy requires to be emptied and cleaned, it shall be his duty to notify, in writing, the owner or occupant of said premises, to have the same emptied and cleaned within five days from the service of the notice. In case of the neglect or refusal of any person to comply within the time specified with the order so given, the said street commissioner by and with the advice and consent of the committee on streets, may cause the nuisance or matter or substance therein mentioned, to be forthwith removed, abated or emptied, and the person or persons whose duty it was to remove or empty the same, shall be chargeable, severally and respectively with the expenses of such removal in addition to the penalty mentioned in section thirteen, the same to be sued for and recovered as directed in said section.

Penalty for interference with street commissioner.

SEC. 16. Any person who shall obstruct, molest, disturb or hinder the said street commissioner in the discharge of any duties mentioned in this ordinance, shall forfeit and pay the sum of ten dollars to be recovered as before prescribed.

No dirt, rubbish, &c., to be cast on the streets.

SEC. 17. No dirt, filth, ashes, or rubbish of any kind whatever, shall be at any time cast or laid in any street, alley or public ground, except on the regular days of which public notice shall be given by the street commissioner for removing the same, and then to be placed on the sidewalk in suitable vessels and before seven o'clock in the morning of such days, under the penalty of two dollars for each offence, to be paid by the occupant of the house, building or lot, from which the same was cast and the person casting the same severally and respectively each to stand committed until paid.

Books of duplicate notices.

SEC. 18. It shall be the duty of the street commissioner to keep in the office of the city clerk a book of the notices in duplicate form, in which book he shall enter the date of the notice, when served, time of complying with the same, the name of the owner or occupant, the name and number of the street, block and alley, according to assessment map describing the work to be performed.

Passed June 8, A. D. 1855.

SAMUEL W. CAREY, City Clerk.

Approved June 8, A. D. 1855.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance prescribing the duties of street commissioner.

The Mayor and Council of the city of Hoboken do ordain as follows:

Street commissioner's duty.

SECTION 1. That in making out accounts for presentation to this council for payment, it shall be his duty to state in detail the name, number of days employed, and amounts due each and every man he may employ under the orders of the council or its appropriate committees, also the amounts of all materials with the cost of the same in detail, which he may be authorized to purchase by the council or its appropriate committees for the use of the city.

Passed February 15, 1866.

JOHN KENNEDY, City Clerk.

Approved February 16, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to repeal "An ordinance to amend an ordinance entitled an ordinance to prescribe the duties of street commissioner," approved May 28, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the ordinance passed by the council of the city of Hoboken May 26, 1858, and approved May 28, 1858, entitled "an ordinance to amend an ordinance entitled an ordinance to prescribe the duties of street commissioner," be and the same is hereby repealed.

Approved June 13, 1866.

JOHN KENNEDY, City Clerk.

Passed June 14, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "An ordinance to amend an ordinance to prescribe the duties of street commissioner," approved February 16th, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section one of an ordinance entitled "An ordinance to amend an ordinance prescribe the duties of street commissioner," which was approved February sixteenth, eighteen hundred and sixty-six, be and the same is hereby amended by inserting after the words "appropriate committees," and before the words "also the amounts," the words for the purpose of cleaning the streets and receiving basins "of the city."

Passed June 12, 1877.

GEORGE J. DUCKER, City Clerk.

Approved June 18, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to provide for the removal or rendering safe of dangerous walls, buildings, stacks and chimneys in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. Whenever written complaint shall be made to the street commissioner of the city of Hoboken, that any wall, building stack or chimney is liable to fall or dangerous to human life it shall be the duty of said strret commissioner to immediately examine into the facts alleged in such complaint and if he shall be satisfied of their truth he shall at once serve a copy of such complaint and a notice to remove such wall, building, stack or chimney, or make the same safe, upon the owner, agent or person having control thereof, if such owner, agent or person having control thereof can be found, and it shall be the duty of such owner, agent or person having control to comply with such notice within five days at his or her own cost and expense.

SEC. 2. If such owner, agent or person having control cannot be found it shall be the duty of said street commissioner to remove or render safe any such wall, building, stack or chimney at the cost and expense of such owner, agent or person having control, which cost and expense shall be paid by the city and recovered by suit in the name of the city against any such owner, agent or person having control in any proper court.

SEC. 3. If any owner, agent or person having control shall fail or refuse to comply with the provisions of this ordinance within the time aforesaid he, or she shall be punished by fine not exceeding fifty dollars for each and every day such violation shall continue.

SEC. 4. That all ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed December 13, 1881.

ROBT. H. ALBERTS, City Clerk.

Approved December 14, 1881.

E. V. S. BESSON, Mayor.

SPECIAL POLICE.

An ordinance creating a special police to be known as the "Mayor's Aids."

The Mayor and Council of the city of Hoboken do ordain as follows:

Special police officers

SECTION 1. The mayor is hereby authorized and empowered from time to time, as he shall deem proper, to appoint special police officers, and the same suspend or remove from office as he shall find necessary, who shall be designated and known as "the Mayor's aids" and shall have and exercise all the powers and duties that appertain to the office of a policeman of the city of Hoboken, subject, however, to the restrictions and regulations hereinafter provided, *provided* that the said aids shall not exceed six in number at any one time.

Instruction.

SEC. 2. They shall receive their instructions from the mayor and be governed, when their services are required, by the directions of the mayor, and in his absence by the acting mayor.

SEC. 3. Whatever duties they may or shall perform under the direction of the mayor or acting mayor shall be done without emolument or pay.

SEC. 4. All ordinances and parts of ordinances inconsistent with any of the provisions of this ordinance shall be and are hereby repealed.

Passed October 3, 1855.

SAMUEL W. CAREY, City Clerk.

Approved October 9, 1855.

C. V. CLICKENER, Mayor.

DUTIES OF THE BOARD OF EDUCATION.

An ordinance to establish a board of education and to define their duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The board of trustees of common schools shall meet at the school building on the first Monday in May, at 8 o'clock in the evening, and shall proceed to organize by electing one of their members as president, another as clerk, and one as treasurer, and a majority of said members shall be competent to transact the business of said board. Said board shall meet for general business at least once in each month. Meeting. Organization.

SEC. 2. The said board of education shall have the general management and control of the public schools now established and hereafter to be established in Hoboken, and of all the property therein contained or appertaining thereto, and shall have power, and it shall be their duty to make rules of order and by-laws for the government of the board, its members and committees and general regulations to secure proper economy and accountability in the school monies, to supervise, manage and govern the public schools in Hoboken, and from time to time to make all needful rules and regulations thereof, to direct the course of studies, provide in all things for the good government and management of said public schools, to purchase books, apparatus, stationery and other things necessary and expedient to enable the said public schools to be properly and successfully conducted, to keep the school building or buildings properly repaired and furnished, and to fix the number and compensation of teachers to be employed therein, and select and employ such teachers; but all Powers and duties.

Supplies.

supplies which shall be procured by said board, exceeding in amount, one hundred dollars, shall be obtained by contract, proposals for which shall be advertised for in one or more of the public newspapers.

Evening schools

SEC. 3. The board of education may provide evening schools for those whose ages or avocations are such as to prevent their attending the day schools, in such of the school houses or other buildings used for school purposes, as they may from time to time deem expedient.

Duties.

SEC. 4. It shall be the duty of the said Board of Education:

1. To examine and inspect each of the schools at least twice in each year, and oftener, if necessary, and on or before the first day of April, to make and transmit to the council a report, in writing, in which they shall set forth the condition of the several school buildings and whether any, and if any, what repairs, alterations, or modifications of those buildings seem to them necessary.

2. Whether they are kept clean and in good order.

3. In what manner they are heated and ventilated, and how effectual the means used are in producing the result desired.

4. The studies pursued.

5. The punctuality of attendance of the scholars and teachers.

6. The progress of the classes in their studies.

7. The order, attention and general appearance of each school.

8. The length of each morning and afternoon session, and the number and length of recesses allowed.

9. The number of scholars who shall have been admitted and taught in each school and discharged therefrom during the preceeding year, and the average number that have actually attended each school during said year.

10. The number and qualifications of the teachers and such other matters as in their opinion are important to insure the discipline or extend the usefulness of the schools.

Treasurer's bonds.

SEC. 5. The treasurer of said board shall be required to enter into bonds in two or more sureties in the sum of two thousand dollars to the mayor and council before entering upon the duties of his office.

Claims.

SEC. 6. The said board shall examine and audit all claims for school purposes and salaries; and shall monthly present a claim for the aggregate amount of the same to the council, who shall thereupon order a warrant on the school fund for said amount to the order of the treasurer of the board of education, whose duty it shall be to pay the said claims and salaries in the manner directed by the board of education, and it shall be the duty of the board of education to make a quarterly statement in detail to the council of all monies expended by them during said quarter.

Treasurer's duty.

Statement.

SEC. 7. The board of education, on or before the first day of March, in each year, shall make a particular statement, in writing, to the council of the amount of money that will be required during the fiscal year for school purposes and altering, repairing, furnishing or building school houses, and in no one year shall the monies expended or liabilities incurred for the school purposes or for building, altering or repairing or furnishing school houses, either by the board of education or the council exceed the amount authorized to be raised by tax in each year for those purposes.

Ordinances.

SEC. 8. The said board of education shall observe and carry into full effect all ordinances adopted by the mayor and council of Hoboken, and all resolutions respecting the matters provided for by this ordinance, which shall be passed by the council and be approved of by the mayor in the manner provided for in the city charter for the approval of ordinances by him.

Contract. SEC. 9. No member of said board of education shall be interested directly or indirectly in any contract payments under which are to be made in whole or in part out of monies derived from any school fund or raised by taxation for the support of common schools.

Rules. SEC. 10. The said board of education shall not adopt or establish any rule or regulation by which any child or children residing in Hoboken, between the ages of five and seventeen years shall, except for misconduct, be prevented from attending the public schools in said city without any cost or expense whatever.

Books. SEC. 11. There shall be provided and kept in each school, by the principal teacher thereof necessary blank books in which shall be entered by such teacher the names, residences and ages of the scholars attending school and the number of days they shall have respectively attended, the absence of any or either of the teachers in such school, and the alleged cause thereof, and also the names of all persons visiting such school, and the times of such visiting, which books shall at all times be kept open for the inspection of any person or persons who may desire to inspect the same.

Repeal. SEC. 12. All ordinances and parts of ordinances relating to public schools heretofore passed, be and they are hereby repealed.

Passed April 29, 1865.

JOHN KENNEDY, City Clerk.

Approved May 4, 1865.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend "An ordinance to establish a Board of Education and define their duties," approved May 4th, 1865.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The board of education shall hereafter have power to pay a yearly salary to the secretary of said board, not exceeding the sum of one hundred and fifty dollars, and a yearly salary to the treasurer of said board, not exceeding the sum of one hundred dollars; said salaries to be paid out of the monies appropriated for school purposes. Salary.

Passed June 19, 1867.

JOHN KENNEDY, City Clerk.

Approved June 20, 1867.

F. W. BOHNSTEDT, Mayor.

An ordinance to amend an ordinance to establish a Board of Education, approved May 4, 1865.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The treasurer of said board shall be required to enter into bonds in two or more sureties in the sum of ten thousand dollars to the mayor and council before entering upon the duties of his office.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed January 18, 1876.

JOHN R. McCULLOCH, City Clerk.

Approved January 19, 1876.

JOSEPH RUSSELL, Mayor.

An ordinance to amend an ordinance to establish a Board of Education and define their duties.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The Board of Education shall have power to prescribe rules for the prevention of contagious diseases.

SEC. 2. That all ordinances and parts of ordinances conflicting with the above section, be and the same are hereby repealed.

Passed April 25, 1876.

GEORGE J. DUCKER, City Clerk.

Approved April 28, 1876.

JOSEPH RUSSELL, Mayor.

An ordinance to amend the ordinance creating a Board of Education.

The Mayor and Council of the city of Hoboken do ordain as follows:

Salary of secretary $400.

SECTION 1. That the board of education shall hereafter have power to pay a yearly salary to the secretary of said board, not exceeding the sum of four hundred dollars; said salary to be paid out of the monies appropriated to school purposes.

Repealed.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed September 13, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved September 14, 1870.

HAZEN KIMBALL, Mayor.

RELATIVE TO SEWERS AND DRAINS.

An ordinance relating to sewers and drains.

The Mayor and Council of the city of Hoboken do ordain as follows:

Sewers superintendence of.

SECTION 1. That all public sewers and drains within the city of Hoboken, and all connections made therewith shall be constructed, made and kept in repair, under the general supervision of the street commissioner and the committee of the council on sewers.

Licenses for sewer tapping.

SEC. 2. That all openings into any sewer or drains for the purpose of making a connection therewith, from any dwelling, house, cellar, vault, yard, or other premises, shall be made by persons licensed by the mayor and council, in writing, to perform such work.

Bond for sewer tapping.

SEC. 3. Every person who shall be licensed as provided in the second section, shall, before receiving such license, execute a bond to the mayor and council of the city of Hoboken, in the sum of two hundred and fifty dollars, with one or more sufficient sureties to be approved by the said mayor and council, conditioned that he will faithfully, skillfully, and carefully make the opening into any sewers and drains, in such manner as may from time to time be prescribed by ordinance or street commissioner, without injuring them; that he will leave no obstruction of any description whatever, therein; that he will properly close up the sewer or drain around the opening made by him, and make no opening into the arch of any sewer or drain, that he will faithfully comply with this ordinance in relation to excavating the streets, to be responsible for any damages or injuries that may occur to persons, animals, property, by reason of any neglect or carelessness on

his part connected with said work and indemnify the corporation against such damages and costs, that he will properly refit and ram the earth in the excavation and restore the pavement taken up for excavating, and repave the same, should it settle or become out of order within six months thereafter, or if he fail to do so within twenty-four hours after being notified thereof, that it may be repaved by the corporation at his expense.

Manner of opening and making connections.

SEC. 4. The manner of piercing or opening into any of the public sewers or drains, and the form, size and materials of which connections therewith shall be composed, shall be as follows:

Form of opening.

1. Every opening or aperture shall be of a circular form, and shall not be less than four inches in diameter, nor more than eight inches in diameter, and shall be composed of iron or cement drain pipe, and such pipe shall not vary in diameter for at least two feet from the outside of the arch of the sewer or drain.

Grade and angle.

2. All openings into any sewer or drain shall be made at right angles with the line of the sewer, and shall not have more than three inches of ascent or grade for at least two feet from the outside of the arch.

Insertions.

3. Every insertion shall be made even with the inside surface of the sewer, and shall not project beyond the inside surface nor be made above the heading course in the spring of the arch.

Streets.

4. The street must be opened and the paving stones and earth deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters.

Paving and flagging.

5. The paving and flagging are to be restored to at least as good condition as previous to the excavation, and the paving must be done by a paver who understands his business, and in refilling the trench the same earth shall be replaced as was taken out, and in case of

Refilling.

rock excavation, the trench shall be refilled with good earth.

6. No street shall be opened, nor addition, or alteration made about any public sewer, pipe or drain, without previous permission has been obtained from the committee on sewers. Permission.

7. Every pipe or drain leading from any privy or vault, where night soil is deposited, shall be made at least two feet above the bottom of such privy or vault. Pipes.

8. Every pipe or drain leading from any boarding house or other premises into any sewer, shall have at the opening into such sewer, or some other proper place therein, an iron grating of not more than one inch between the bars, so as to entirely prevent any solid substance from being carried into any sewer. Grating.

SEC. 5. No person shall be licensed as provided for in this ordinance, unless he shall be known to the mayor and council at the time, as a person regularly educated to the business of a mason or plumber, and in every way qualified to receive a license; any and every person so licensed, shall be subject to the following qualifications, and shall observe the following rules and regulations: Masons and plumbers.

1. He must be a citizen of the United States, actually residing in the city of Hoboken, at the time he applies for such license. Qualification citizen.

2. At the time of receiving the license the party shall file a bond in accordance with the provisions of this ordinance. Bond.

3. Every mason or plumber on receiving his license, shall have recorded in the city clerk's office, his residence, place of business, the name under which the business is transacted, and shall immediately notify the street commissioner of every change of either thereafter. Record.

Removal from the city shall operate as a forfeiture of license.

Application.

4. Applications for permits must be made by the party employed to do the work, and must be made to the street commissioner, and such application must state the location of the premises, name of the owner, size of pipe or drain, number of buildings to be connected, and how occupied.

Use of name.

5. No plumber or mason shall allow his name to be used by any other party, or either for the purpose of obtaining permits or doing any other work under his license.

Street commissioner and committee on sewers.

6. All permits shall be given by the street commissioner and the committee on sewers.

Penalty for violation.

7. Any plumber or mason who shall be guilty of a violation of any of the preceding regulations, or of this or any of the ordinances of the corporation, will be immediately deprived of his license, or the same may be revoked at the pleasure of the council.

Permission to construct.

SEC. 6. The council, on application for that purpose, may grant permission to persons to construct at their own expense sewers or drains, or to lay pipes to connect with any sewers or drains built in any of the public streets or highways of the city, which they may deem proper and judicious, on being furnished by the applicants with the written consent of the owners of the property, through which or upon the street through which such sewer drain or pipes are to pass, as the case may be, but such permission shall not be granted

Agreement.

except upon the agreement, in writing, of the persons applying therefor, that they shall comply with the ordinances of the city of Hoboken, in relation to ex-

Indemnification.

cavating the streets, that they will indemnify the corporation for any damages or costs to which they may be put by reason of injuries resulting from neglect or carelessness, in performing the work so permitted, that

no claim be made by them or their successors in interest against the corporation if the work so permitted be taken up by authority of the council, nor exemption from assessment for building sewers and drains in the vicinity of their property. *Provided,* however, that nothing in this section contained shall be construed as to authorize or permit any person or persons to make any connection with any sewer from any house, building or other premises (other than such houses, buildings and premises) as are fronting on the line of the street where the sewer into which such connection is built and located, or buildings erected on the same lot directly fronting on such street. Claims. Exemption from assessment.

SEC. 7. No connection shall be made with any sewer or drain without the written permission of the street commissioner and the committee on sewers, and if any connection, opening or aperture shall be made into any sewer or drain whithout such permission, or in a manner different from the mode prescribed for such opening as in the ordinance provided; the person or persons making the same, and the owner or occupant of the premises directing it to be made shall severally and respectively forfeit and pay the sum of fifty dollars for every such offence. Connections. Penalty.

SEC. 8. All permissions given by the street commissioner and committee on sewers, to connect with sewers and drains, and all sewers, drains, or pipes constructed and laid by permission of the council as provided for in the Sixth section of this ordinance, to connect with any sewers or drains in any of the streets or highways of the city, shall be upon the express condition that the council of the city of Hoboken may, at any time, revoke and annul the same, and the persons making such connections or their successors in interest, shall have no right to demand or claim any damages in consequence of such permissions being revoked and annulled. Permits.

Tapping fee. SEC. 9. Five dollars shall be paid to the street commissioner, and by him to the city treasurer, for permission to connect from each dwelling, house, store, or building, covering not more than twenty-five feet frontage, nor less than eighteen feet frontage, each hotel, boarding house, or public building, covering more ground than twenty-five feet by fifty-feet shall pay proportionally for such additional space of ground covered by each respectively:

Manufacturies, distilleries, breweries, and the like, for permission to connect with any sewers or drains for the purpose of carrying off water or fluid that will not deposit sediment or obstructions shall pay such sums as shall be fixed and determined by the committee on sewers, under the direction of the council; all payments for permits as aforesaid shall be made to the street commissioner, who shall pay the same to the city treasurer, taking his receipt for the same in a book provided for that purpose, prior to the delivery of the same to the person or persons making application.

Prohibition. SEC. 10. No owner or occupant of any dwelling-house, store, or other building, or of any manufactory, brewery, distillery, or the like, having permission to connect with any sewer or drain as aforesaid, shall permit any substance to flow into any sewer, or drain, or receiving basin, which shall form a deposit that tends to fill said sewer, drain, or receiving basin, under the penalty of thirty dollars for each offence.

Penalty.

Butchers, &c. SEC. 11. No butcher's offal, or garbage, dead animals, vegetable matters, or obstructions of any kind whatever, shall be placed, thrown or deposited, in any receiving basin or sewer, and any person so offending or causing any such obstruction or substance to be placed, so as to be carried off into such receiving basin or sewer, and any persons who shall injure, break, or remove any portion of any receiving basin covering flag, manhole, vent, or any part of any sewer or drain,

or who shall obstruct the flow of water in any sewer or drain or water course in the city of Hoboken, shall forfeit and pay twenty-five dollars for each and every offence. Penalty.

SEC. 12. That the street commissioner, or such other person as may be empowered or authorized by the council, shall, and is hereby authorized and directed at all times, during proper business hours, to enter upon any and all premises and houses within the limits of Hoboken, for the purpose of examining into and ascertaining that the provisions of this ordinance are strictly complied with and not violated in any manner by any person or persons making any connections with any sewer or using such sewer in any way under this ordinance. Street commissioner.

SEC. 13. The city treasurer shall keep an account open, known as the sewer cleaning and repairing fund, he shall place all moneys received for permits to the credit of said fund, and no money shall be paid out of said fund, except it shall be for cleaning or repairing sewers. Sewer cleaning and repairing fund.

Passed June 29, 1859.

Approved June 30, 1859.

FRANKLIN B. CARPENTER, Mayor.

RELATIVE TO RECEIVING BASINS.

An ordinance to provide for the construction of receiving basins in the streets of the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

Receiving basins when and where to be built.

SECTION 1. That receiving basins to connect with any public or private drain or sewer in the city of Hoboken, may be built and constructed at such times and places as the council of said city may deem necessary and proper, and shall by resolution direct.

Assessments.

SEC. 2. That all the damages, costs, charges and expenses of making, building and constructing any such receiving basin or basins, shall be assessed upon the lands and property benefited thereby, and shall be and remain a lien thereon, and the payment thereof enforced in the manner provided by the charter of said city.

Committee on streets and assessments.

SEC. 3. That the building and constructing of such receiving basins shall be done under the direction of the committee on streets and assessments.

Passed July 28, 1868.

JOHN KENNEDY, City Clerk.

Approved July 29, 1868.

F. W. BOHNSTEDT, Mayor.

RELATING TO WELLS, PUMPS AND CISTERNS.

An ordinance regulating wells, pumps and cisterns.

The Mayor and Council of the city of Hoboken do ordain as follows:

Wells, pumps and cisterns, to be city property.

SECTION 1. All wells, pumps and cisterns, that now are or hereafter may be constructed in the streets of the city of Hoboken, are, and shall be deemed to be the property of the mayor and council of the city of Hoboken.

Notice of construction of wells, &c.

SEC. 2. Whenever application shall be made for building a well, pump or cistern in this city, and the council shall deem it expedient to construct the same, public notice of the intention to construct such well, pump or cistern, shall be given in at least one of the public newspapers, published in the city, which notice shall state the time and place, when and where, objections, if any thereto may be made, in writing.

Assessment for construction of wells, pumps and cisterns.

SEC. 3. Whenever any well, pump or cistern, shall be ordered by the council, and the same shall be constructed, the cost of the same, including all costs for assessing and collecting, shall be assessed on the lots in the vicinity thereof, by such assessor or assessors as the council may appoint for that purpose; and the said assessment shall be collected from the owners or occupants of said lots according to such assessments.

Street commissioner.

SEC. 4. It shall be the duty of the street commissioner, with the advice and consent of the committee on fire and water, to cause all the wells, pumps and cisterns, in the streets of the city, to be kept in good repair at the cost of the city.

Penalty for injuring wells.

SEC. 5. No person shall wilfully do or cause to be done any injury or damage to any public well, pump, or

cistern, under the penalty of ten ($10 00) dollars for each offence, to be sued for and recovered by the corporation attorney of the city.

Passed June 8, A. D. 1855.

SAMUEL W. CAREY, City Clerk.

Approved June 8, A. D. 1855.

C. V. CLICKENER, Mayor.

RELATIVE TO STREETS.

An ordinance relating to streets.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the several streets and public alleys in the city of Hoboken, shall be known by the names mentioned and designated respectively, on the map of Hoboken, made by Charles Loss, and filed in the clerk's office of the county of Bergen, except the street marked and named on said map, "Philadelphia Post Road," which shall be hereafter known and called "Newark street," and that the public alley, running between Washington and Hudson streets, shall be called "Court street"; that the most southerly street now open and leading to the ferry, and running east and west, shall be known by the name of Ferry street.

Streets named on Loss map.

Philadelphia post road Newark street.

Court street.

Ferry street.

SEC. 2. That River street shall extent and run from Third street, on the south to Fourth street, and from Fifth street to the stone wall of Edwin A. Stevens, on the north, until further opened, by the owner or owners of the premises along the line thereof, for public use, and shall not be less than sixty feet wide. No court-yard on either side of said street shall extend into the same beyond the distance of thirteen feet (13).

River street.

SEC. 3. That Hudson street shall extend and run from Ferry street, on the south to Seventh street, on the north as now laid out, and shall not be less than eighty feet wide at any point, and that no court-yard on either side thereof shall extend into said street beyond the distance of eighteen feet (18).

Hudson street.

SEC. 4. That Washington street shall extend from Ferry street, on the south to Seventh street, on the

Washington street.

north as now laid out, and shall not be less than one hundred feet wide at any point, and that no court-yard on either side thereof shall extend into said street beyond the distance of fifteen feet (15).

Bloomfield street and Garden street, &c.

SEC. 5. That Bloomfield street, and Garden street, shall each extend and run from Newark street, on the south to Seventh street, on the north, and shall each be not less than sixty-five feet wide at any point, and that no court-yard on either side of any of said two streets shall extend into the same beyond the distance of twelve feet in Bloomfield street, and eleven feet six inches in Garden street.

Meadow street.

SEC. 6. That Meadow street shall extend and run from Newark street, on the south to Fourth street, and from Fifth to Seventh street, and shall not be less than sixty-five feet wide at any point, and that no court-yard on either side thereof shall extend into the same beyond the distance of eleven feet and six inches.

Newark, First and Second street.

Third, Fourth, Fifth, and Sixth streets.

Seventh street.

SEC. 7. That Newark, First and Second streets shall each run and extend from Hudson street to the line ditch, which separates the lands of the Hoboken Land and Improvement Company from the meadow, and that Third, Fourth, Fifth and Sixth streets, shall each run and extend from River street to said ditch, and that Seventh street shall run and extend from Hudson street to said ditch; that each of the said streets mentioned in this section shall not be less at any point than fifty feet wide, and that no court-yard on either side of any said last mentioned streets shall extend into the same beyond a distance of six feet and six inches.

Ferry street.

SEC. 8. That Ferry street shall extend and run as now established and laid out, until otherwise extended and dedicated to public use, and shall not be less than at any point, where now laid out and established than one hundred feet wide, and that no court-yard on either

side thereof shall extend into said street beyond the distance of fifteen (15) feet.

Court street. SEC. 9. That Court street shall run and extend from Newark street to Seventh street, and shall be not less at any point than twenty feet wide, and that no part or portion thereof shall be used or appropriated for court-yards, or any other purpose whatever, except for a public street or highway.

Court-yards. SEC. 10. That if any person or persons shall use or appropriate any part or portion of any of the said streets above mentioned for any court-yard beyond the limits in the foregoing sections mentioned, or shall put up or maintain any court-yard where none is allowed by this ordinance, or shall use or occupy any of said streets, for any purpose whatever, except as common and public streets and highways, every such person or persons shall be liable to a penalty of five dollars for every twenty-four hours he, she or they shall so use or occupy any such street or streets after notice, in writing, to remove, abate, or restore, or put such street or streets in the same condition as the same was or were before such use or occupancy, as the case may be, shall be served on him, her or them, or posted up, where the act complained of exists or occurs, by the street commissioner.

Penalty.

Notice.

Court-yard fences. SEC. 11. That every court-yard fence which may hereafter be erected in or upon any public street shall be not more than five feet high, and shall be made of slats, rails, or bars, not less than two and one-half inches apart, under the penalty of two dollars for every twenty-four hours that any person or persons shall keep or maintain the same, and that it shall be lawful for the council, by resolution, to direct that any and all court-yard fences which may be erected at the time of the passage of this ordinance, and not in conformity with the foregoing provisions, be removed or made in

Penalty.

conformity with the foregoing provisions; and if any person shall neglect or refuse to remove, or cause to be removed, or made in conformity with the above provisions, such fence within ten days after a copy of such resolution shall be served on him or her, he, she, or they, shall be liable to a penalty of two dollars, for every twenty-four hours such neglect or refusal shall continue.

Penalty.

Grating court-yards.

SEC. 12. That it shall and may be lawful for the council at any time to require by resolution any person or persons to grade or cause to be graded, any and all court-yards opposite his, her, or their premises, to within the level of the sidewalk along the same (if such sidewalk be flagged); a copy of such resolution shall be served on the person or persons whose duty it may be to grade the same, or left at his or her place of abode, or in case of non-residence, posted on the premises where such grading is required to be done. That it shall be the duty of the owner or occupant of such premises to cause such court-yard to be graded to within at least two feet of the line of the sidewalk along the same, within such time as may be specified in such resolution, under the penalty of two dollars for every twenty-four hours neglect.

Penalty.

Court-yards uses of.

SEC. 13. No court-yard shall be used for any purpose whatever, except for an open ornamental space; and if any person or persons shall use or occupy any court-yard or the space or spaces in this ordinance allowed in the several streets for that purpose, or shall put, place, keep or maintain any substance or thing whatever, in any court-yard or in any of the spaces allowed for that purpose in this ordinance, except ornamental trees, flowers or plants, every such person or persons shall be liable to a penalty of five dollars for every twenty-four hours he, she or they shall so put, place, keep or maintain such substance or thing in any

Penalty.

court-yard or space aforesaid, *provided*, however, that nothing in this section contained, shall be so constructed as to prevent or in any way interfere with the building of any vaults or other erections under such court-yards or spaces aforesaid, as have been heretofore generally erected and allowed.

Removal of paving, &c.

SEC. 14. If any person or persons shall take up or remove any paving, curb, gutters, or flagging or other matter fixed or laid in or on any of the public streets or highways or sidewalks in said city, without the consent of the street commissioner or the committee on streets, and assessments first had and obtained for that purpose, he, she, or they shall be liable to a penalty of ten dollars for each and every such offence.

Penalty.

Injury to curb, gutter, &c.

SEC. 15. If any person or persons shall carelessly or willfully break, injure, or destroy any curb, gutter, flagging, bridgestone or any other matter set, laid or fixed in any of the public streets, lanes, alleys or public grounds in the said city, he, she or they, shall be liable to a penalty of ten dollars for each and every such offence.

Penalty.

Lamps and lamp-posts, injury to.

SEC. 16. If any person or persons shall break, or injure any lamp or lamp-posts set, laid or placed or standing in any public street, lane or alley or public ground in said city, or shall cut, girdle, or in any way injure any tree or trees, set, placed, standing or growing in any public streets or public grounds in said city, he, she or they, shall be liable to a penalty of ten dollars for each and every such offence.

Penalty.

Opening in streets and sidewalks.

SEC. 17. That every person, having or keeping any slide or skuttle-hole, or other aperture or opening in any public street or sidewalk in said city, shall keep the same properly covered and securely fastened, and if any person or persons shall neglect or refuse to keep such slide or skuttle-hole or other aperture or opening tightly covered and securely fastened, he, she

Penalty. or they, shall be liable to a penalty of five dollars for every twenty-four hours he, she or they shall neglect or refuse to do so.

Obstructions. SEC. 18. That if any person or persons shall put, place, lay, keep or maintain in any public street, lane, alley, sidewalk, public ground or court-yard, or in any of the spaces in the forgoing sections of this ordinance allowed for court-yards any lime, sand, lumber, building materials, or any other substance, matter or thing whathsoever, without the consent of the street commissioner and a majority of the committee on streets and assessments for that purpose, first had and obtained, every such person or persons shall be liable

Penalty. to a penalty of five dollars for every twenty-four hours he, she or they, shall keep or maintain or suffer or permit to remain such lime, sand, lumber or other matter or thing aforesaid, in any of the streets or places aforesaid, and shall be further liable in addition to said penalty to pay all costs and damages that may accrue, arise or come to any person or persons by reason of any of the matters or things aforesaid,

Permission. *provided*, however, that the street commissioner and a majority of the committee on streets and assessments shall in no case grant any such permission or license to any person or persons for a longer period than one month at one time, except in such cases where buildings are being erected, the said street commissioner and the majority of the committee on streets and assessments shall exercise discretionary power but shall not grant a permit for a longer period than four months at any one time, and *provided*, further, that no such permission as aforesaid, shall in any case be granted unless upon the express condition that the person obtaining such permission shall keep the gutter along the sidewalk clean and unincumbered to the breadth of two feet, and that such materials shall not

occupy more than one-third of the carriage-way in width, and be not more than ten feet in height, and not longer than the width of the premises in front, upon which such materials are intended to be used, and further, that the person accepting such permit, will be liable for all damages by reason of carelessness or accident on account of such materials being so placed as aforesaid.

Fences. SEC. 19. That every person or persons having or owning any vacant lot or lots fronting or facing on any street or public grounds in said city, which is, or shall be more than two feet lower than the grade of such street or public ground, or upon which any cellar, basement or other excavation is or shall be made of over two feet deep, shall fence or enclose the same with a proper and substantial fence or other enclosure, at least three feet high, and every person or persons who shall neglect or refuse to put up, keep and maintain such fence or enclosure shall be liable to a penalty of three dollars for every twenty-four hours he, she or they shall so neglect or refuse, after notice, in writing, by the street commissioner, requesting and requiring them to do so, has been served on him, her or them.

Penaly.

Area way. SEC. 20. That there shall be allowed to each and every person or persons owning any lots or lot fronting on any of said streets, a space of three feet as an area way for the purpose of an entrance into and out of his, her or their house or houses, anything in this ordinance contained to the contrary notwithstanding, which said three feet shall be measured from the line of such house or houses fronting on any of said streets.

Penalties. SEC. 21. That the several penalties mentioned in the tenth, eleventh, twelfth, seventeenth, eighteenth sections of this ordinancemay be sued for and enforced as well against the tenant or tenants, occupier or occupiers of the premises where any of the offence therein

mentioned shall be committed, done or suffered as against the owner or owners thereof.

Committee on streets and street commissioner.

SEC. 22. That if any person or persons shall put, place, lay, keep or maintain any article or thing mentioned in the eighteenth section of this ordinance, or any other substance, matter or thing whatever, in or on any public street, lane, alley or public square in said city, or in or on any court-yard, sidewalk, or any of the spaces by this ordinance allowed for court-yards, without the consent of a majority of the committee on streets and assessments and street commissioner first had and obtained as herein before mentioned, it shall be the duty of the street commissioner forthwith to

Notice.

serve a notice, in writing, upon the person or persons, or their agents or servants, having, keeping or suffering, or maintaining any of the said matters, things or substances aforesaid, all of which are hereby declared encumbrances on said streets, sidewalks or court-yards,

Incumbrances.

requiring him, her or them to remove such incumbrance within the space of six days from the day of the service therof, that if such person or persons shall neglect or refuse to remove such incumbrance within the time limited in said notice, it shall be the duty of the street

Street commissioner.

commissioner, by and with the consent, in writing, of a majority of the committee on streets, and approved by the mayor, to take and remove such incumbrances to one of the public squares of said city, if the same should be of any value, but if of no value, then to take and remove the same to some proper place other than any of the said public squares.

Advertising incumbrances.

That if such incumbrance be of any value as aforesaid, the said street commissioner shall advertise the said substance or thing so removed to such public square, by notices put up in five of the most public places in said city, at least five days before such sale; that at the time mentioned in said notices, if such sub-

stance or thing be not previously claimed by the owner thereof, and all costs and charges of removal and advertising paid by him, in which case such substance or thing shall be delivered up and restored to him or her or them, the said street commissioner shall proceed to sell the same at public sale to the highest bidder, and out of the monies arising from such sale, the said street commissioner shall first pay and satisfy all costs, charges and expenses of such removal, and the cost and charges of advertising and selling the same, and the balance, if any, shall be paid to the city treasury, there to remain for the use of the owner or owners, or persons entitled to receive the same, if called for within six months; if not so called for then to be forfeited to the said city. Redemption and sale.

SEC. 23. That in case the sum realized by such sale, as is mentioned in the last preceeding section, should be insufficient to pay all costs, charges, and expenses of such removal, advertising and sale, or if the matter, substance, or thing so removed, be of no value, then, and in either case, the party or parties, whose duty it was to remove the said incumbrance, shall be liable to pay the difference or balance remaining unsatisfied by such sale, or the whole costs and charges, in case the incumbrance is of no value in addition to any penalty or penalties mentioned and prescribed by this or any other ordinance of this city. Sale.

SEC. 24. That the notice mentioned in the twenty-second section of this ordinance, in case the parties to be served therewith cannot be found, may be served by leaving the same at their residence, or if they have no residence in this city, or agent, or servant, thereby posting such notice up at or near where such incumbrance exists. Notice.

SEC. 25. That every person or persons, owning or occupying any lot or lots of land fronting on any of the Removal of snow.

public streets, in said city, shall at all times keep the sidewalk and gutters opposite his, her or their premises swept, clean and clear the snow, ice, and other impediments from the same, and if any person or persons shall neglect or refuse either to keep the sidewalks and gutters opposite his, her or their premises swept and clean or clear of the snow, ice, and other impediments from the same, as aforesaid, he, she or they shall be liable to a penalty of four dollars, for every tweny-four hours that shall elapse during the time such neglect or refusal shall continue, and the occupant shall in all cases be liable to such penalty in the same manner as if he, she, or they were the owner or owners of such premises.

Grading and excavading.

SEC. 26. That the council may at any time grant to any owner or owners of lots the privilege of prolonging the time for grading or excavating any street or alley, if in their judgment it is deemed advisable, and if such privilege is granted, the provisions of this ordinance shall not be enforced for the time being, so far as such privilege has been granted and no further.

Repealed.

SEC. 27. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed.

Lamp, water and police district.

SEC. 28. That the provisions of this ordinance shall extend to and be in force within all that part of said city known as the lamp, water, and police district, and no further; anything in the foregoing provisions contained to the contrary thereof, in anywise, notwithstanding.

Approved January 9, 1858.

H. M. BRANDIS, City Clerk.

Adopted December 30, 1857.

F. B. CARPENTER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance relating to streets.

Ordinance relating to streets.

WHEREAS, the twelfth section of a certain ordinance entitled "an ordinance relating to streets," approved the ninth day of January, A. D. 1858, is uncertain and indefinite in its meaning, and doubts having been entertained as to the true construction thereof, for remedy whereof.

Be it therefore ordained by the Mayor and Council of the city of Hoboken:

Construction of section 12 relative to court-yards.

SECTION 1. That the said twelfth section, of said ordinance shall be so taken, read and construed, as to require all persons, upon the due service of a copy of the resolution mentioned in said section as therein specified to grade, excavate or fill up the court-yard or space allowed for a court-yard, the entire width of such court-yard or space, to within at least two feet of the level of the sidewalk in front of such court-yard or space, under the like penalties as in said twelfth section prescribed.

Penalties.

Repealed.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed November 3, 1858.

A. O. EVANS, City Clerk.

Approved November 4, 1858.

GEO. W. MORTON, Mayor.

RELATIVE TO NUMBERING THE STREETS.

An ordinance relating to numbering the streets.

The Mayor and Council of the city of Hoboken do ordain as follows:

Council to appoint a person to number the houses, &c.

SECTION 1. That the council shall appoint a competent person, whose duty it shall be, under the direction and control of the committee on streets and assessments, to number the several houses and lots in the city, in the following manner, viz.: In all streets running northerly, he shall commence at the southerly end of the streets, making the south-easterly corner number one, the south-westerly corner number two, and thus proceed alternately through the streets; in all streets running westerly, he shall commence at the easterly end of the streets, making the south-westerly corner number one, the north-easterly corner number two, and thus proceed alternately through the streets; he shall give each house a number, and each vacant lot for every twenty-five feet width, or less, a number; he shall also prepare a book, in which shall be shown the number of division in each block, and the street number of the division, which book shall be delivered by him to the city clerk within thirty days after his appointment. He shall also, when required by resolution of the council, under the direction and control of the committee on streets and assessments, place on the corner of the various streets, a sign with the name of the street and the number of the house, to which it is attached.

Manner af numbering.

To provide a book.

Sign on street corners.

Compensation of person appointed.

SEC. 2. The person appointed as above mentioned, shall receive such compensation as shall be provided for by a resolution of the council, passed at the time of his appointment.

Names of places to be vacated.

SEC. 3. That the names of all parts of streets known as places, are hereby vacated, and the person appointed as above mentioned, shall pay no regard to them in numbering the said streets.

Street commissioner to notify.

SEC. 4. That whenever the council may require the same by resolution, it shall be the duty of the street commissioner to notify in writing, the owner or occupant of each house or lot, personally, of the number of such house or lot, as laid down in the book aforesaid.

Owner or occupant to put up their number.

SEC. 5. The owner or occupant of every house is hereby required, within twenty days from the time of his receiving the notice from the street commissioner as aforesaid, to place and keep in some conspicuous place upon the front of his or her house, the number of the same, making each figure at least two inches long and one and one-half inches wide, and upon all houses hereafter built, the owners of the same shall place the number thereof, in the manner prescribed as aforesaid, within twenty days from the time of such house being first occupied.

Size of figure.

Numbering more than one house erected on vacant lots.

SEC. 6. That whenever more than one house shall be hereafter erected upon any vacant lot, the number of each house shall be such a fractional part of whole number of the lot that when added together the whole sum shall amount to the number of the lot.

Penalty.

SEC. 7. For every neglect to comply with the foregoing sections, the owner or occupant shall forfeit and pay the sum of five dollars, and the further penalty of one dollar for each day, or part of a day, he shall continue to neglect the requisitions of said section, to be recovered from said owner or occupant respectively.

Passed July 10, 1861.

JOHN KENNEDY, City Clerk.

Approved July 11, 1861.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance entitled "an ordinance relating to streets," approved January 9, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

Rate of speed.

SECTION 1. No person shall ride or drive any horse or horses in the city of Hoboken, with greater speed than six miles an hour, nor faster than on a walk while turning any corner of any street, lane or alley in said city, under the penalty of five dollars for each and every offense, to be recovered from the owner or driver of said horse or horses, severally and respectively.

Penalty.

Obstructions.

SEC. 2. No person shall obstruct the walks across the public streets in said city by placing or stopping his horse, cart, carriage or vehicle thereon, or by placing, putting or allowing any obstruction or thing of any kind whatsoever, across or on the same, under a penalty of ten dollars for each and every offense.

Penalty.

Obstructions.

SEC. 3. No person, except for the purpose of passing into a lot, yard or stable, shall lead, drive or ride any horse or cattle on or over any sidewalk in said city, nor drag, push or cause to be dragged or pushed, any cart, wagon, wheel or hand-barrow, or any other thing, on or over any sidewalk in said city, except for the purpose aforesaid; nor obstruct any foot path or sidewalk in said city, with wood, coal, or any other matter or thing whatsoever, under the penalty of five dollars for each and every offense.

Penalty.

Regulation of carriageways.

SEC. 4. All private carriage ways crossing any of the sidewalks, shall be made, regulated and paved under the direction of of the committee on streets, or the street commissioner, and in such manner, as said committee or said street commissioner shall in writing direct, and the owner of the premises, and every person

neglecting or refusing to comply with said written order, shall be liable to a penalty of five dollars for every day they shall neglect or refuse to comply with the written order of said committee or street commissioner. Penalty.

SEC. 5. No person, without being authorized in writing by the committee on streets, shall take up, remove or carry away any turf, stone, sand, clay or earth, from or out of any street, sidewalk or public ground in said city, under the penalty of twenty dollars for each and every offence. Removal of any article, &c. Penalty.

Passed December 11, 1865.

JOHN KENNEDY, City Clerk.

Approved December 14, 1865.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend the ordinance relating to streets.

The Mayor and Council of the city of Hoboken do ordain as follows:

Duty of street commissioner.

SECTION 1. That in addition to the duties prescribed in section twenty-five, of the ordinance relating to streets, it shall be the duty of the street commissioner

Snow and ice.

to cause all sidewalks to be cleaned from snow and ice where the owner or occupant neglects to clean the sidewalk in front of their premises, for a space of twenty-four hours from the time said snow or ice ceases

Penalty.

to fall, and add the cost of such cleaning to the amount of fine authorized to be levied for such neglect.

Crosswalks.

SEC. 2. That it shall be the duty of the street commissioner to clean, or cause to be cleaned, two cross-walks at the intersections of the streets of this city, after each fall of snow, selecting one cross-walk pointing to the north, and one to the east of such cleaning.

Ashes and garbage.

SEC. 3. That no person or persons without the permission of the council of said city, shall take up, remove or carry away, any dirt, ashes or garbage from any street, alley, sidewalk or court yard in said city under the penalty of ten dollars for each and every offense.

Passed Feb. 26, 1866.

JOHN KENNEDY, City Clerk.

Approved Feb. 28, 1866.

FREDERICK B. OGDEN, Mayor.

A further supplement to an ordinance relating to streets, approved January 9, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the council of said city, may, by resolution, authorize the committee on streets, on the terms and in the manner herein specified, to grant permits for the construction of vaults in the streets of the city of Hoboken, provided, in their opinion, no injury will come to the public thereby. Permission to erect vaults.

SEC. 2. That applicants for permits must state the name of the owner of the premises in front of which the vault is proposed to be built, the purpose for which the vault is intended to be used, the number of square feet to be occupied by the vault (including its walls) and the proposed length and width of the same, and at the time of making their application, deposit with the city treasurer, the following sums, viz.: If said vault is attached to a private dwelling, twenty cents for every square foot of space occupied by said vault. If said vault is attached to a shop or store, or is used for any business purpose, forty cents for every square foot of space as aforesaid. And when required by said committee, said applicant shall execute a bond with sufficient sureties to save the city harmless from all costs and damages arising from any accident or injury to any person, or in any manner arising from, or connected with the building of said vault. Conditions. Price. Space. Bond. Accident.

SEC. 3. That no permit shall be granted for the construction of any vault beyond the line of the sidewalk or curb-stone, unless the said mayor and council shall first, by resolution, specifically permit the same to be granted, and every permit shall particularly state the Conditions.

Size, &c. situation, shape and size of said vault, and the purpose for which it is to be used.

SEC. 4. That any person constructing a vault in said city, without first obtaining a permit therefor, or constructing said vault in a manner different from that specified in said permit, or shall occupy a greater space therefor than named in the permit, he shall forfeit and pay a penalty of fifty dollars therefor; and every person maintaining, using or occupying said vault, or any part thereof, where the same shall have been constructed in violation of this ordinance, shall forfeit and pay the sum of fifty dollars for each and every day he so maintains, uses or occupies the same.

Penalty.

Measurement. SEC. 5. That before said vault shall be used by any person, the applicant shall file with the city clerk a certified measurement by one of the city surveyors of the ground occupied by said vault before the same is covered and including in said measurment, the walls of said vault, and pay the city treasurer any further sum that may be necessary to pay for any number of square feet beyond those named in the application.

Payments.

Light burning. SEC. 6. That during the time of constructing said vault, a lamp or lantern shall be kept burning by said applicant during the whole of every night, which shall be so placed as to cast its light upon the opening, under a penalty of ten dollars for every night of failure so to do, and the owner or occupant of said premises shall both be liable to said penalty.

Penalty.

Completion. SEC. 7. That every vault must be completed and the ground closed over it within three weeks after it is commenced, under the penalty of five dollars for each day it may thereafter remain uninclosed, and the applicant and owner of said vault shall both be liable thereto.

Penalty.

SEC. 8. That every description of opening below the surface of the street, in front of any shop, store, or

other building, if covered, shall be considered, and held to be a vault within the meaning of this ordinance, and the master builder, or owner, or person for whom the same shall be made or built, shall be liable to all the provisions, payments and penalties enumerated in this ordinance, severally and respectively, but this section shall not be construed as referring to those openings which are used exclusively for descending to the cellar floor of any building by means of steps.

Vaults.

Penalty.

Exempt.

Passed June 18, 1867.

JOHN KENNEDY, City Clerk.

Approved June 20, 1867.

F. W. BOHNSTEDT, Mayor.

An ordinance amending an ordinance entitled, "An ordinance relating to streets," approved June ninth, eighteen hundred and fifty-eight.

The Mayor and Council of the city of Hoboken do ordain as follows:

Property owners to keep sidewalks repaired.

SECTION 1. That it shall be the duty of every owner of a lot, or parcel of land, in the city of Hoboken, on any street now opened and used, where the sidewalks of the same have been or shall be flagged, and the streets curbed and guttered; to keep the said sidewalks, flagging, curbing, and guttering, in front of his, her, or their lot or lots, in good and sufficient repair, and graded according to the grade of the street, on which said lot or lots are situate, and not allow the same to remain broken, uneven, or out of grade.

Street commissioner to notify property owners.

SEC. 2. That it shall be the duty of the street commissioner of the city of Hoboken; whenever the sidewalks, flagging, curbing or guttering, in front of any lot or lots, in any of such street or streets, shall in his judgment, need repairing, to notify the owner or owners of the lot or lots, in front of which the sidewalk, flagging, curbing, or guttering needs repairing, which notice shall specify the nature or kind of repairs required, and shall be served on the owner or owners of the lot or lots, in front of which the said repairs are required, personally; or if the owner or owners cannot be found in the city of Hoboken, by affixing, or putting up a copy of said notice, in some conspicuous place on said premises.

Penalty for neglect.

SEC. 3. That no owner or owners of any lot or lots, in front of which repairs are needed, as aforesaid, shall neglect well and sufficiently to make the repairs in said notice, specified for more than five days, after due

service of the said notice mentioned, in the preceding section of this ordinance, under a penalty of four dollars, for every twenty-four hours the same shall so remain unrepaired.

Street commissioner to make repairs after ten days neglect or refusal of owners.

SEC. 4. That if the said owner or owners, of any lot or lots, in front of which such repairs are needed, as aforesaid, shall neglect or refuse to make the same within ten days after the due service of the notice, in the second section of this ordinance mentioned, that then the street commissioner shall make the necessary repairs required, and the costs and expenses thereof shall be paid by the said owner or owners, aforesaid, in addition, to the penalty prescribed in the third section of this ordinance, and the same shall be considered as a part of the penalty for violating this ordinance.

Costs and expenses.

Repealed.

SEC. 5. That all ordinances, and parts of ordinances inconsistent with this ordinance, are hereby repealed.

Passed July 23, 1868.

JOHN KENNEDY, City Clerk.

Approved July 25, 1868.

F. W. BOHNSTEDT, Mayor.

A supplement to an ordinance entitled "An ordinance relating to streets," approved January 9, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That all that part of Meadow street lying north of the northerly line of Fifth street shall hereafter be known and designated by the name of "Park Avenue," and that said Park avenue shall extend and run from the northerly line of Fifth street to the northerly line of the city of Hoboken, as laid out and dedicated and shall not be less than sixty-five feet wide at any point, and that no court-yard on either side thereof shall extend into the same beyond the distance of nine feet.

SEC. 2. That Park avenue shall be numbered commencing at the southerly end thereof making the south-easterly corner number one and the south-westerly corner number two, and thus proceed alternately through said avenue.

SEC. 3. That all ordinances and parts of ordinances consistent with this ordinance, be and the same are hereby repealed.

Passed June 25, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved June 27, 1872.

F. L. SCHMERSAHL, Mayor.

An ordinance to amend an ordinance entitled "an ordinance relating to streets," approved January 9, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section seven (7) of the ordinance entitled an ordinance relating to streets, approved January 9, 1858, be and the same is hereby repealed.

SEC 2. That Newark, First, Second, Third, Fourth and Fifth streets, shall each run and extend from the westerly line of the city to high water mark on the Hudson River, that Sixth street shall run and extend from River street to the westerly boundary of the city; that Seventh street shall run and extend from Hudson street to the westerly boundary of the city.

SEC. 3. That each of the said streets mentioned in the preceding section shall not be less, at any point, than fifty feet wide, and that no court-yard on either side of any of said streets shall extend into the same beyond a distance of six feet and six inches.

SEC. 4. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed October 5, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved October 6, 1875.

JOSEPH RUSSELL, Mayor.

An ordinance to amend an ordinance, relating to streets.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That hereafter the street now called Meadow street in the sixth section of the ordinance to which this is a supplement shall be called Park avenue.

Passed November 16, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved November 17, 1875.

JOSEPH RUSSELL, Mayor.

A further supplement to an ordinance relating to streets, approved January 9, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the supplement to said ordinance, approved June twentieth, one thousand eight hundred and sixty-seven, be amended by striking out in the second section all words after the words "and at the time of making their application," and by striking out the fifth section of the said supplement.

Passed February 27, 1877.

GEORGE J. DUCKER, City Clerk.

Approved February 28, 1877.

An ordinance to amend an ordinance entitled an ordinance relating to streets, approved January 9th, 1858.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall be hereafter lawful for any person or persons, who may erect any building or buildings upon his, her or their lot or lots, fronting upon any street in said city, excepting (Court street), to build, construct, place and put bay windows in and upon such building or buildings so erected, as aforesaid, provided, that such bay windows so constructed, as aforesaid, shall not project to a greater distance than three feet, beyond the building line, the said three feet to be measured from the line of said building or buildings so erected as aforesaid.

SEC. 2. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Passed May 22, 1877.

GEORGE J. DUCKER, City Clerk.

RELATIVE TO NUISANCES.

An ordinance relative to nuisances.

The Mayor and Council of the city of Hobohen do ordain as follows:

Building materials.

SECTION 1. No building materials, or other materials, shall, at any time, be lodged or laid on any street, sidewalk, alleyway, or other public place, within said city, nor shall any street, at any time, be so occupied by any such material, for more than one-third of the width thereof, or longer than one month, without the written consent of the street commissioner, and all such materials shall be carefully piled up in such manner as to leave the gutter clear, by fourteen inches in width, and the depth of the curbstone, under a penalty of five dollars.

Penalty.

Manure, dirt, filth, &c.

SEC. 2. No manure, dirt, filth, or other substance of an offensive or unwholesome nature, shall, at any time, be cast from any stable, or other building, into or upon any sidewalk, street, alleyway, or other public place in said city, under the penalty of five dollars, for each and every offence, and the cost of removing the same, together with the costs of prosecution, to be paid by the owner or occupant of any such stable or building, and the person casting the same severally and respectively each, to stand committed until the same is paid.

Penalty.

Who to pay penalty.

Stagnant water, &c.

SEC. 3. No vacant, or other lots, shall be allowed to contain stagnant water, or other matter, of any offensive or unwholesome nature, or matter likely to become so; and the owner and occupant thereof, severally and respectively, on receiving notice thereof, by the street commissioner, according to law, shall remove or abate the same, according to said notice, or be liable to a

Removal and abatement.

Penalty.

penalty of five dollars, together with the costs of prosecution and of removing the same, each to stand committed until the same is paid; and any person so casting any matter of an offensive or unwholesome nature, or matter likely to become so, shall be liable to a like penalty.

Removal of dirt, ice and snow.

SEC. 4. All dirt, ice, snow, or other impediment, falling or lodging in or upon any sidewalk or gutter, shall, within twelve hours thereafter, be removed therefrom by the owner or occupant of the lot adjoining the same, (unless frozen so as to injure the flagging of such removal) under the penalty of two dollars, together with the costs of prosecution and of removing the same, for every twenty-four hours neglect or refusal so to do.

Penalty.

Water, casting of.

SEC. 5. No water, or other matter, shall, at any time, be cast out, or thrown from any window or door, of any building, in or upon any street, alley, sidewalk, or other public place or lot of ground, or other building, under the penalty of five dollars, together with the costs of prosecution, and of removing the same, to be paid by the person so casting the same, who shall stand committed until such penalty be paid.

Privies. Cesspools.

SEC. 6. Every privy or cesspool, the contents of which shall be within eighteen inches, from the surface of the ground, shall be cleaned out within three days after notice thereof, by the street commissioner, to the owner or occupant of the lot, whereon such privy or cesspool stands, and for every neglect or refusal so to do, such occupant or owner, shall be liable to a penalty of five dollars, together with the costs of prosecution and of cleaning the same.

Penalty.

Running of fluid or liquid matter.

SEC. 7. No person shall cast or throw, or suffer to run into any street, lane, or alley, of said city, from his, her or their house, houses or premises, any stinking noxious, impure, offensive, or noisome water, or any

substance, or thing in a liquid or flowing state, under the penalty of five dollars, for each offence, together with the costs of prosecution, to be paid by the occupant of the premises, and the person so casting the same severally and respectively.

Passed February 13, 1856.

SAMUEL W. CAREY, City Clerk.

Approved February 20, A. D., 1856.

C. V. CLICKENER, Mayor.

RELATIVE TO NUISANCES.

An ordinance declaring nuisances.

The Mayor and Council of the city of Hoboken do ordain as follows:

Nuisances.

SECTION 1. That all sunken lots, and all parts or portions of lots, which now are, or which may hereafter become covered with stagnant water, emitting obnoxious or unhealthy odors, all filth, stagnant water, or other unwholesome or offensive matter, or substance in any lot or lots whatever, all sinks, cesspools, privies, filled to within eighteen inches of the surface; all the cellars or basements of any house, or other building, or erection, containing stagnant water, all yards, rear portions of lots, or other place or places, where any offal, blood, animal matter, substance or thing, emitting noxious or unhealthy odors, stenches or smells; all pig sties, hog pens, shall (after the space of five days, named in the notice, hereinafter described) be considered, and are hereby declared to be a nuisance.

Street Commissioner.

SEC. 2. That it shall be the duty of the street commissioner, under the direction of the committee on streets, to serve a notice in writing, upon the person or persons, or their agents or servants, having or suffering any of the annoyances, in the first section of this ordinance, declared to be nuisances, requiring him, her or them, to abate such nuisance, within the space of five days, from the day of the service thereof, under the penalty hereinafter prescribed.

Penalty for neglect or refusal.

SEC. 3. That every person or persons, their agent or agents, servant or servants, who shall neglect or refuse to obey the requirements of the street commissioner, as contained in the notice hereinbefore mentioned, before the expiration of the time named in such notice

for abating such nuisance, he, she or they so neglecting or refusing, shall for every such offense, forfeit and pay the sum of ten dollars, for every twenty-four hours that shall elapse, during the time such neglect or refusal shall continue, (to be recovered before any justice of the peace, of said city), in the manner by law prescribed.

Animals at large.

SEC. 4. That all horses, cattle, swine, goats, and geese, and all quadrupeds, animals of every kind whatever, except milch cows, between sun rise and sun set, found running at large, in any street, alley, lane, by way, throughfares, or public grounds, in the city, shall be considered, and are hereby declared to be public nuisances.

Dead animals.

SEC. 5. That no person shall suffer, or permit any dead animal to lie or remain in, or upon any lot, tenement, or premises, owned or occupied by him, her or them, within the limits of Hoboken; nor suffer nor permit any dead animal, or any portion or remains thereof, owned while living by him, her or them, to lie, or remain in or upon any street, alley, or other place, within the limits of said city; but he, she or they, shall within eight hours, after the dead of such animal, take and cover, or cause to be covered, and conveyed such animal, or the remains thereof, to some place without the city limits, and bury, or otherwise dispose of the same, or shall leave notice with the street commissioner, designating where such dead animal may be; and in case any person, or persons, shall omit to remove such dead animal, or to give the notice required, to be given as aforesaid, he, she or they, shall forfeit and pay the sum of five dollars for each offense.

Penalty.

Contract for removal of dead animals.

SEC. 6. That it shall be lawful for the committee on streets, to appoint and contract with some proper person, or persons, who shall be willing to make and enter into such a contract, to remove all dead animals, that may be found in said city, under such conditions and

restrictions, as the said committee shall deem suitable and proper; provided that no appointment, or contract as aforesaid, shall be made, involving any expense to said city, for making such removal of dead animals, without the consent of the mayor and council.

Penalty for violation of ordinance.

SEC. 7. That if any person, or persons, body or bodies, corporate, their agents, or servants, shall omit, or commit any of the acts, the omission or commission, of which are hereinbefore in the fourth, fifth, and sixth sections, of this ordinance, declared to be nuisances, he, she or they, so offending, shall, for each such offense, forfeit and pay the sum of five dollars.

Casting of manure, &c.

SEC. 8. No manure, dirt, filth, or other substance, of an offensive or unwholesome nature, shall, at any time, be cast, thrown, or laid into or upon any street, sidewalk, gutter, court yard, or space allowed for a court yard, in any street of said city, under the penalty of five dollars, for each and every offense, to be paid by the owner, or occupant, of the premises, from, or out of which such substance or thing, may be cast, thrown, or laid.

Offensive liquid matter.

SEC. 9. No person shall cast, or throw, or suffer to run into any street, lane, or alley, or any court yard, or public ground, in said city, any stinking, impure, offensive, or noisome water, substance or thing, under the

Penalty.

penalty of five dollars, to be paid by the occupant of the premises, from which the same may be cast, thrown, or suffered to run, or the person or persons casting, throwing or suffering to run such substance as aforesaid.

Noises at night.

SEC. 10. If any person, or persons, shall, during the night time, beat any drum, or blow any horn, or trumpet, or any other musical instrument, in any public street, lane, or alley, or public ground, in said city, except regularly enrolled military companies; or in case of alarms of fire, or in cases authorized by law, every person, or persons, so offending, shall be liable to a

Penalty.

penalty of five dollars, for each and every offense.

SEC. 11. That the several matters and things mentioned, in the three last preceedings sections, of this ordinance, are hereby declared to be nuisances. Nuisances.

SEC. 12. That if any person, or persons, shall, between the hours of six o'clock, in the evening, and six o'clock in the morning, ignite, set fire to, or burn, in any of the public streets, or grounds, in said city; any substance or thing whatsoever, or shall ignite, kindle, or burn any bonfire, within the limits of Hoboken, between the hours aforesaid, every person, or persons, so offending, shall be liable to a penalty of five dollars, for each and every offense, and that every such offense is hereby declared to be a nuisance. Burning substances at night. Penalty.

SEC. 13. That the provisions of the ordinance entitled, "an ordinance relating to nuisances, approved February 20, 1856," and all other ordinances, and parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed. Repealed.

Passed September 21, 1857.

H. M. BRANDIS, City Clerk.

Approved September 22, A. D., 1857.

F. B. CARPENTER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance declaring nuisances," approved September 22, 1857.

The Mayor and Council of the city of Hoboken do ordain as follows:

Amendments. SECTION 1. That section one of an ordinance entitled, "an ordinance declaring nuisances," be amended by striking out the words "after the space of five days named in the notice hereinafter prescribed.

Amendments. SEC. 2. That section three of said ordinance, be amended, by striking out the words, "any Justice of the Peace," and inserting the words, "the Recorder."

Amendments. SEC. 3. That section four of said ordinance be amended, by striking out the words, "except milch cows between sunrise and sunset."

Repeal. SEC. 4. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and they are hereby repealed.

Passed Jan. 18, 1866.

JOHN KENNEDY, City Clerk.

Approved Jan. 19, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "an ordinance declaring nuisances," approved September 22, 1857.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two of the said ordinance be and the same is hereby amended by striking out at the end thereof the words "within the space of five days from the day of the service thereof, under the penalty hereinafter prescribed" and inserting in lieu thereof, the word "forthwith." Amendments.

SEC. 2. That section three of said ordinance be, and the same is hereby amended, by striking out the entire section. And inserting in lieu thereof, the following: That every person or persons, their agent or agents, servant or servants, who shall neglect or refuse to obey the requirements of the street commissioner, as contained in the notice hereinbefore mentioned, he, she or they, so neglecting or refusing, shall, for every such offense, forfeit and pay the sum of twenty-five dollars for every twenty-four hours that shall elapse during the time such neglect or refusal shall continue, to be recovered before the Recorder of said city in the manner by law prescribed. Amendments. Penalty.

Passed May 17, 1866.

JOHN KENNEDY, City Clerk.

Approved May 18, 1866.

FREDERICK B. OGDEN, Mayor.

A supplement to an ordinance entitled "an ordinance declaring nuisances," approved February 20, 1856, and amended September 22, 1857.

The Mayor and Council of the city of Hoboken do ordain as follows:

Penalty for slaughtering without permit.

SECTION 1. No butcher or other person, engaged in, or acting as such, shall butcher or slaughter any sheep, lamb, calf, beef-cattle or other animal, or permit or allow the same to be done, within the limits of the city of Hoboken, except at such place as the council shall by resolution permit, under the penalty of fifty dollars for each offense.

Penalty for the non-cleansing of premises.

SEC. 2. Every butcher or other person, occupying any slaughter house, within the limits of this city, shall every day on which any animal shall, be killed therein, cause the same to be washed and throughly cleansed, under the penalty of fifty dollars for every violation of this section.

Penalty for non-removal of offal, &c.

SEC. 3. Every butcher, or other person, immediately after killing any animal, shall destroy the offal, garbage and all other offensive parts thereof, or shall remove and convey the same beyond the limits of the city under the penalty of fifty dollars for every violation of this section.

Penalty for allowing offal, etc., to run into the streets, &c.

SEC. 4. No butcher, or other person, engaged in the slaughtering of animals, within the limits of this city, shall permit or allow any offal, garbage or other offensive matter to run into or upon any lot, street, lane or alley in said city, under a penalty of twenty-five dollars for every offense.

Street commissioner to examine premises.

SEC. 5. That every butcher or other person, maintaining or keeping any slaughter house or place wherein any animal or animals are slaughtered, shall permit the street commissioner of the city of Hoboken, or any

person deputized by him to enter into said slaughter house, or other place, at any time between the hours of eight o'clock in the morning and five o'clock in the afternoon to examine the same, to see if section, second and third of this ordinance have been fully complied with, and any butcher or other person refusing to permit said street commissioner, or other person deputized by him to enter said slaughter house or other place as aforesaid, shall for each and every refusal, forfeit and pay a penalty of fifty dollars.

Penalty for non-compliance with the ordinance.

Passed Oct. 9, 1867.

JOHN KENNEDY, City Clerk.

Approved Oct. 10, 1867.

FREDERICK BOHNSTEDT, Mayor.

An ordinance to declare certain limits within which any sunken lot or lots, covered with stagnant water, shall be declared a nuisance.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That any, and each and every sunken lot or lots, covered with stagnant water, situate, lying and being within the following limits of the city of Hoboken, that is to say: Beginning at the northeastern corner of Newark avenue and Monroe street, and running thence northerly along the easterly line of Monroe street to the southerly line of First street; thence easterly along First street to the easterly line of Adams street; thence northerly along Adams street to Third street; thence easterly, along the southerly line of Third street to the easterly line of Grand street; thence northerly along the easterly line of Grand street to Sixth street; thence easterly along the southerly line of Sixth street to a point one hundred feet west of Willow street; thence southerly along a line one hundred feet west of Willow street to the northerly line of Newark avenue; thence along the northerly line of Newark avenue to the easterly line of Monroe street, the place of beginning, be and the same is hereby declared to be a nuisance.

SEC. 2. That it shall be the duty of the owner or owners of each and every sunken lot or lots, covered with stagnant water, situate within the limits mentioned in the first section of this ordinance, to fill, or cause the same to be filled in with good and wholesome material, to the end, that said nuisance may be abated forthwith.

SEC. 3. That it shall be the duty of the street com-

missioner to serve a copy of this ordinance on the owner or owners of each and every sunken lot or lots, covered with stagnant water, situate within the limits described in the first section of this ordinance, which service shall be made as directed in and by an act entitled "a further supplement to an act entitled 'an act to incorporate the city of Hoboken.'" Approved March twenty-eight, one thousand eight hundred and fifty-five, which supplement was approved ——— 1871.

And the street commissioner shall file proof of the service, of this ordinance, and the manner in which the same was served upon the owner, or owners, of each and every sunken lot, covered with stagnant water, as aforesaid, within twenty days after serving the same.

SEC. 4. That it shall be the duty of the committee of the council, on public health, to report to the council any, and all sunken lot or lots, covered with stagnant water, within the limits aforesaid, which are not filled in, at the expiration of thirty days, after service of a copy of this ordinance, upon the owner, or owners thereof; or in case the owner, or owners, thereof, could not be found, after fixing up a copy of this ordinance, upon each lot or lots; to the end that a resolution may be passed, directing the street commissioner, to cause such sunken lot, or lots, to be filled in, pursuant to the direction of the statute, in such cases made and provided.

SEC. 5. That when any lot, or lots, within the limits aforesaid, is filled in by the street commissioner, he shall keep an accurate account of the cost, and expense of filling each lot, so filled in, and shall file a certified statement thereof, verified by oath or affirmation, in the city clerk's office, which statement shall be recorded, by the city clerk, in a book to be provided for that purpose; and the cost and expense of filling each lot shall constitute and remain a lien thereon, from the time of filing said statement, until the same is fully

paid and satisfied; and in case the same is not paid within one year, from the time of filing said settlement, such lot, or lots, shall be sold for the shortest time that any person will take the same, and pay for said filling, in the same manner as lands are, or may be sold, for the non-payment of assessments.

6th. That the Street Commissioner shall be entitled to receive one dollar for filing each statement, required to be filed, by the preceding section of this ordinance, and the City Clerk shall be entitled to receive ten cents per folio, for recording the same, which fees shall be added to and considered a part of the cost and expense of filling such lot or lots.

7th. That no person shall be permitted to place, put, cast, or throw any garbage, or other decaying, offensive matter, substance, or thing, upon any vacant, unoccupied, or unimproved lot, or land, in said City of Hoboken; and that any person or persons, convicted of violating any provision of this section, or this ordinance, shall be punished by fine, not exceeding fifty dollars, or by imprisonment, not exceeding ten days.

Passed June 27, 1871.

PETER McGAVISK, Chairman of Council.

Approved June 29, 1871.

F. L. SCHMERSAHL, Mayor.

Attest:

FREDERICK E. ROWALD, City Clerk.

An ordinance to prohibit the keeping of Swine, within the corporate limits of the City of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

1. That hereafter, each and every sty, pen, or other inclosure, with any swine, hog or hogs, therein kept, within the limits of the City of Hoboken, be, and the same is hereby declared a nuisance.

2. That it shall not be lawful for any person or persons, to keep or maintain any sty, pen, or other enclosure with any swine, hog or hogs therein, upon any lot or lots, owned, possessed, or occupied by him, her or them, within the corporate limits of the City of Hoboken; and that each, and every person, convicted of violating any provision, or provisions of this section, of the ordinance, shall be fined fifty dollars.

3. That in case all such swine, hog or hogs, are not removed, and the nuisance created, by keeping and maintaining the same, abated within twenty-four hours, after the first conviction, the person or persons, keeping, or maintaining such sty, pen, or other enclosure, with any swine, hog or hogs therein, shall be liable to further prosecution; and each and every person or persons, convicted of violating any provisions of this ordinance, upon being convicted a second time, shall be imprisoned, in the city prison, for the term of ten days.

Passed July 11, 1871.

PETER McGAVISK, Chairman of the Council.

Approved July 11, 1871.

FREDERICK L. SCHMERSAHL, Mayor.

Attest: F. E. ROWALD, City Clerk.

A Supplement to an ordinance entitled, "An ordinance declaring Nuisances," approved September 22, 1857.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That any and all buildings or places, where any grease, oil or varnish is boiled, manufactured packed, stored or kept, or any distillery, for the purpose of manufacturing ardent, or alcoholic, or ardent spirits, or any manufactury of chemicals, in which shall be generated, or from which shall issue any smoke, substance vapor, or gas, offensive to the senses, or injurious to the health of persons, within the neighborhood, or any manufactory, mill, or other establishment, for grinding of bones, or boiling the flesh therefrom, or otherwise for converting the same into manure, any manufactury for the purpose of making or generating spirits of turpentine, coal tar, lamp black, or other liquid or substance, emitting noxious, unhealthy, or injurious vapor, gas, odors, smells, or substance situate within the corporate limits of the City of Hoboken, shall be considered, and each and every of them are hereby declared to be nuisances.

SEC. 2. That it shall be lawful for the Mayor of the city, or any of the councilmen of said city, or for the Street commissioner, or the Health Warden, of said city, upon complaint made to them, or any of them, to enter into and upon any land, tenement, building, or other premises, for the purpose of ascertaining whether any nuisance exists thereon, or therein, in violation of the provisions of this ordinance, and that it shall not be lawful for any person or persons, to hinder, obstruct, or resist any such officer, in the discharge of any such

right or duty, under the penalty of twenty dollars for each offense.

SEC. 3. That it shall be the duty of the Street Commissioner to serve a notice in writing upon the person or persons, or corporation, their agent or agents, servant or servants, causing, procuring, having or suffering any of the annoyances in the first section of this ordinance, declared to be nuisances, requiring him, her or them, to abate such nuisance, within the space of twenty-four hours, from the time of service thereof, under the penalty hereinafter prescribed, which notice, in case a personal service can not be made, may be served by posting the same in a conspicuous place, on the premises, where such nuisance exists.

SEC. 4. That every person or persons, or corporation, their agent or agents, servant or servants, that shall neglect, or refuse to obey the requirements of the Street Commissioner, as set forth in the notice hereinbefore mentioned, within the time named in such notice, for abating such nuisance, shall, for every such offense, forfeit and pay the sum of twenty dollars, for each offense, and a further penalty of twenty dollars for each day thereafter, such neglect or refusal shall continue, to be recovered before the Recorder, of the City of Hoboken, in the manner prescribed by law; and the person or persons violating any of the provisions of this ordinance, shall, upon conviction thereof, stand committed, until the fine or fines imposed shall be paid.

SEC. 5. That in case the notice mentioned in the third section of this ordinance, shall be disregarded by the person or persons, corporation or corporations, or their agents or servants, upon whom the same may be served, it shall be the duty of the Street Commissioner upon a requisition from the Health Warden, of the City of Hoboken, who is hereby empowered, at his

discretion, to make such requisition to proceed to abate the said nuisance, by the removal of such parts, or portions of the machinery, or other matter, or thing, as may be necessary for the creating of said nuisance, and to order the same carted, or taken to, and stored in the public pound of said city; that if the owner or owners of the said parts, or portion of said machinery, or other matter, or thing, mentioned in this section, of this ordinance, shall not demand the same, and pay the costs of such removal, together with the penalty of twenty dollars, mentioned in the fourth section of this ordinance, within ten days after the same, shall be so carted, or taken to the public pound, aforesaid, it shall be the duty of the street commissioner to advertise the same for sale, by notices signed by, and put up at three of the public places, in the ward, from whence the same was taken, at least five days before the time appointed for the sale, and at such time the same shall be sold to the highest bidder, and so much of the proceeds, of such sale, as shall be necessary to defray the said expenses of removal and sale, shall be paid into the city treasury, by the said street commissioner; and also the penalty, or penalties, as the case may require, named in the fourth section of this ordinance, and the surplus arising from such sale, if any, shall be paid to such person, or persons, as shall exhibit satisfactory proof, that they are entitled to the same.

Sec. 6. And in case the notices, mentioned in the third section of this ordinance, shall be disregarded, after service thereof, as aforesaid, and in case such nuisance shall be produced, by offensive matter, or substance, or otherwise, as mentioned in the first section of this ordinance, (where there shall be machinery, matter, or thing, necessary for the creating of said nuisance, to be removed and sold, as aforesaid) it shall be the duty of the street commissioner, upon a requisition, received by him, from the health warden, which

said health warden is hereby empowered, at his discretion, to make, to proceed to abate such nuisance, by the summary removal of the same; or if such removal shall be deemed impracticable, in such manner as may be deemed necessary, by said health warden, doing no unnecessary damege to property, in effectually abating such nuisance.

SEC. 7. That all ordinances and parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed.

Passed August 15, 1871.

PETER McGAVISK, Chairman of the Council.

Approved August 16, 1871.

F. L. SCHMERSAHL, Mayor.

Attest: F. E. ROWALD, City Clerk.

A supplement to an ordinance entitled "an ordinance to declare certain limits within which any sunken lot or lots covered with stagnant water shall be declared a nuisance," approved June 29, 1871.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That in addition to the lots designated in the first section of the ordinance to which this is a supplement, any and each and every sunken lot or lots covered with stagnant water, situate, lying and being within the following limits of the city of Hoboken, that is to say, all that portion of the said city of Hoboken, lying south of the southerly line of Second street in said city be and the same is hereby declared to be a nuisance.

SEC. 2. That all lots filled in for the purpose of abating said nuisance pursuant to the provisions of the said ordinance to which this is a supplement, shall be filled to a grade established by law on that portion of the city of Hoboken known as the "Coster Estate."

Passed September 3, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved September 5, 1872.

F. L. SCHMERSAHL, Mayor.

An ordinance to amend an ordinance, entitled "a supplement to an ordinance to declare certain limits within which any sunken lot or lots covered with stagnant water shall be declared a nuisance," approved June 29, 1871, which supplement was approved September 5, A. D. 1872.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two of the ordinance entitled a supplement to an ordinance entitled an ordinance to declare certain limits within which any sunken lot or lots covered with stagnant water, shall be declared a nuisance be and the same is hereby amended, by striking out the words "eighteen inches," and inserting in lieu thereof the words "two feet below the adopted grade."

SEC. 2. That all ordinances, and parts of ordinances inconsistent with this ordinance, are hereby repealed.

Passed February 25, 1873.

JOHN R. McCULLOCH, City Clerk.

Approved March 6, 1873.

F. L. SCHMERSAHL, Mayor.

A supplement to an ordinance entitled "an ordinance declaring nuisances," approved September 22, 1857.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. That no person shall build, keep or maintain any sink or privy vault or cesspool in or upon any lot in the city of Hoboken within two feet of any lot owned by another person than by him or her upon whose lot such sink, privy vault or cesspool is build under a penalty of ten dollars for every twenty-four hours the same is permitted to remain after being notified to remove the same.

SEC. 2. That every sink, privy vault or cesspool in said city built or maintained upon any lot or within two feet of any other lot owned by another person than by him or her upon whose lot such sink, privy vault or cesspool is built is hereby declared to be a nuisance; and the owner or occupier of the lot whereon such sink, privy vault or cesspool is situate to remove the same forthwith upon receiving written notice so to do; and in case the owner or occupant of the lot wherever such nuisance exists fails to remove the same within twelve hours after being served with notice so to do it shall be the duty of the street commissioner forthwith to cause said nuisance to be removed and the cost of removing said nuisance shall be added to the penalty for violating the first section of this ordinance.

SEC. 3. The notices required by this ordinance shall be signed by the street commissioner of the city of Hoboken.

SEC. 4. All ordinances and parts of ordinance incon-

sistent with the provisions of this ordinances are hereby repealed.

Passed November 11, 1873.

JOHN R. McCULLOCH, City Clerk.

Approved Nov. 17, 1873.

An ordinance to amend an ordinance entitled "an ordinance relative to nuisances," approved February 20, 1856.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the ordinance entitled "an ordinance relative to nuisances," approved February 20, 1856, be and the same is amended by striking out the fourth section and inserting in lieu thereof the following: "Section 4. All dirt, ice, snow or other impediment falling or lodging in or upon any sidewalk or gutter shall within ten hours theresfter be removed therefrom by the owner or occupant of the lot adjoining the same under the penalty of five dollars together with the cost of removing the same for every neglect or refusal so to do.

SEC. 2. That all ordinances and parts of ordinances inconsistent with this ordinance be and the same are hereby repealed.

Passed January 16, 1874.

JOHN R. McCULLOCH, City Clerk.

Approved January 21, 1874.

A further supplement to an ordinance declaring nuisances.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That each and every lot or lots covered in whole or in part with stagnant water, situate, lying and being within the city of Hoboken be and the same are hereby declared a nuisance.

SEC. 2. That it shall be the duty of the owner or owners of each and every such lot or lots covered with stagnant water to fill or cause the same to be filled in with good and wholesome earth to such a grade as may be necessary to abate the nuisance forthwith.

SEC. 3. That it shall be the duty of the street commissioner to serve a copy of this ordinance on each and every owner of any lot or lots covered in whole or in part with stagnant water by leaving said copy with said owner or owners, or in case said owners cannot be found by setting up a copy of the same upon such lot or lots and that said street commissioner shall file proof of the service of each copy of this ordinance stating briefly the manner in which the same was served, within five days after serving the same.

SEC. 4. That it shall be the duty of the committee on public health to report to the council any and all lot or lots covered in whole or in part with stagnant water, which are not filled in to such a grade as is necessary to abate the nuisance at the expiration of ten days after service of a copy of this ordinance upon the owner or owners of said lot or lots aforesaid in manner aforesaid; that thereupon the council shall pass a resolution directing the street commissioner to cause such lot or lots to be filled in to such a grade as may be necessary to abate the nuisance.

SEC. 5. That it shall be the duty of the street com-

missioner forthwith after the abatement by him of the said nuisance on any lot or lots as aforesaid to report in writing the name or names of the owner or owners of said lot or lots together with the number of the lot upon which the same existed and a detailed statement, under oath of the expense of the abament of such nuisance or nuisances to the committee on public health, which said statement shall be by the said committee filed in the city clerk's office and shall be recorded by the city clerk in a book to be provided for that purpose; and if the said expense or expenses incurred by the street commissioner in abating the said nuisance or nuisances as aforesaid, shall not be paid to the city clerk by the owner or owners of the said lot or lots, within thirty days from the filing of said report and statement of the street commissioner, it shall be the duty of the city clerk to certify the name of the owner or owners of said lots who have not paid the said expense, together with the amount of the expense to the corporation attorney to collect the same by suit or otherwise as he may deem advisable.

SEC. 6. That the street commissioner shall be entitled to receive three dollars for filing each statement required to be filed by the preceding section of this ordinance and the city clerk shall be entitled to receive ten cents a folio for recording the same and the corporation attorney five dollars for drawing the necessary papers and conducting each and every case, which fees shall be added to and considered a part of the costs and expenses of filling in such lot or lots.

SEC. 3. That all ordinances and parts of ordinances inconsistent with this ordinance, be and the same are hereby repealed.

Passed September 8, 1874.

JOHN R. McCULLOCH, City Clerk.

An ordinance to amend an ordinance entitled "a further supplement to an ordinance declaring nuisances," approved September 8, 1874.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two of said ordinance be and the same is hereby amended by striking out the words "with good and wholesome earth," and inserting in lieu thereof "with earth or other wholesome material.

SEC. 2. That section three of said ordinance be and the same is hereby amended by adding to section three the words "for which said service the street commissioner shall be entitled to receive the sum of one dollar."

SEC. 3. That section six of said ordinance be and the same is hereby amended by striking out the words "three dollars," and inserting in lien thereof "two dollars."

Passed January 28, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved February 1, 1875.

An ordinance relating to nuisances.

The Mayor and Council of the city of Hobohen do ordain as follows:

SECTION 1. No building materials, or other materials, shall, at any time, be lodged or laid on any street, sidewalk, alleyway, or other public place, within said city, nor shall any street, at any time, be so occupied by any such material, for more than one-third of the width thereof, or longer than one month, without the written consent of the street commissioner, and all such materials shall be carefully piled up in such manner as to leave the gutter clear, by fourteen inches in width, and the depth of the curbstone, under a penalty of five dollars.

SEC. 2. No manure, dirt, filth, or other substance of an offensive or unwholesome nature, shall, at any time, be cast from any stable, or other building, into or upon any sidewalk, street, alleyway, or other public place in said city, under the penalty of five dollars, for each and every offence, and the cost of removing the same, together with the costs of prosecution, to be paid by the owner or occupant of any such stable or building, and the person casting the same severally and respectively each, to stand committed until the same is paid.

SEC. 3. No vacant, or other lots, shall be allowed to contain stagnant water, or other matter, of any offensive or unwholesome nature, or matter likely to become so; and the owner and occupant thereof, severally and respectively, on receiving notice thereof, by the street commissioner, according to law, shall remove or abate the same, according to said notice, or be liable to a penalty of five dollars together with the costs of prosecution and of removing the same each to stand com-

mitted until the same is paid; and any person so casting any matter of an offensive or unwholesome nature or matter likely to become so, shall be liable to a like penalty.

SEC. 4. All dirt, ice, snow or other impediment falling or lodging in or upon any sidewalk or gutter shall within twelve hours thereafter, be removed therefrom by the owner or occupant of the lot adjoining the same, (unless frozen so as to injure the flagging by such removal) under the penalty of two dollars together with the costs of prosecution and of removing the same for every twenty-four hours neglect or refusal so to do.

SEC. 5. No water or other matter shall, at any time, be cast or thrown from any window or door of any building in or upon any street, alley, sidewalk, or other public place or lot of ground or other building, under the penalty of five dollars together with the costs of prosecution and of removing the same to be paid by the person so casting the same who shall stand committed until such penalty be paid.

SEC. 6. Every privy or cesspool the contents of which shall be within eighteen inches of the surface of the ground, shall be cleaned out within three days after notice thereof by the street commissioner to the owner or occupant of the lot wherever such privy or cesspool stands; and for every neglebt or refusal so to do such owner or occupant shall be liable to a penalty of five dollars together with the costs of prosecution and of cleaning the same.

SEC. 7. No person shall cast or throw or suffer to run into any street, lane or alley of said city from his or their house, houses or premises any stinking, noxious, impure, offensive or noisome water or any substance or thing in a liquid or flowing state under the penalty of five dollars for each offense together with the costs of prosecution to be paid by the occupant of the premises

and the person so casting the same severally and respectively.

Passed February 13, 1856.

SAM'L. W. CAREY, City Clerk.

Approved February 20, 1856.

C. V. CLICKNER, Mayor.

A further supplement to an ordinance entitled "an ordinance declaring nuisances," approved September 22, 1857.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That all buildings in said city of Hoboken which by reason of the weakness, settling or insufficiency of the walls or foundations thereof are unsafe and dangerous to human life, or which for any reason shall hereafter become unsafe and dangerous to human life are hereby declared to be nuisances.

SEC. 2. That upon complaint in writing to the council that any such nuisance exists, it shall be the duty of said council to cause proper inquiry and investigation to be made by the street commissioner under the direction of the committee on public health of said council and said street commissioner shall report the facts ascertained by him to the council forthwith and the council upon being satisfied of the truth of said report shall thereupon by resolution declare the existence of such nuisance and direct the street commissioner to notify the owner or his agent to remove and abate the same forthwith, such notice to be in writing and to specify the premises with clearness.

SEC. 3. That if said owner or agent shall fail or refuse to comply with the terms of such notice within ten days, then he, she or they so refusing, shall, for every such offence, forfeit and pay the sum of twenty-five dollars and for each day of twenty-four hours that shall elapse during which said refusal or neglect shall continue after the expiration of said notice, he, she or they shall forfeit and pay the sum of ten dollars to be recovered before the Recorder in the manner provided by law.

SEC. 4. That if any such owner or agent cannot be found or is beyond the jurisdiction of said Recorder said notice shall be affixed to the premises and upon refusal or neglect to comply with said notice by the owner or his agent, the said street commissioner shall proceed to abate the nuisance and the expense thereof shall be paid by the council from the contingent fund and the amount so paid shall be recovered according to law as a debt due from the owner to the mayor and council.

SEC. 5. That if any such owner or agent being within the jurisdiction of the recorder and being served with said notice shall fail to comply therewith, the council may direct the street commissioner to abate any such nuisance and may pay the expense thereof, but such action by the council shall not relieve such owner or agent from liability to any fine previously incurred.

SEC. 6. That all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Passed June 24, 1879.

ROBT. H. ALBERTS, City Clerk.

Approved June 25, 1879.

E. V. S. BESSON, Mayor.

A further supplement to an ordinance declaring nuisances, approved September 22, 1857.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. That no person shall remove to, bring in, draw off or allow to run off into any ground, street, lot or other place in the city of Hoboken, the contents of any vault, privy, cesspool or sink or any part thereof, and every person so offending being the owner, tenant or occupant of any premises whereon such vault, privy, cesspool or sink is located, shall forfeit and pay the sum of twenty dollars for each and every offence. Provided however, that this ordinance shall not interfere with the right to connect with any sewer as now provided for by ordinance.

SEC. 2. That no such person shall allow the contents of any such vault, privy, cesspool or sink to become offensive or injurious to the public health or to rise within two feet of the surface of the surrounding soil, or shall fill in any such privy, cesspool, vault or sink with earth or other substance without having such vault, privy, cesspool or sink thoroughly cleaned out and every person violating the provisions of this section shall forfeit and pay the sum of twenty dollars for each and every offense.

SEC. 4. That all ordinances and parts of ordinances inconsistent herewith, be and they are hereby repealed.

Passed July 8, 1879.

ROBERT H. ALBERTS, City Clerk.

Approved July 9, 1879.

E. V. S. BESSON, Mayor.

RELATIVE TO NIGHT SCAVENGERS.

An ordinance concerning night scavengers.

The Mayor and Council of the City of Hoboken do ordain as follows:

Licenses for night scavengers.

SECTION 1. There shall be licensed, from time to time, by the mayor, so many persons, residents of said city, and recommended by at least six citizens thereof, as he shall deem expedient, for the purpose of following the business of night scavengers; and such license shall expire on the first Monday of June, next, after the date thereof, subject, nevertheless, to be revoked at the pleasure of the mayor.

License fees.

SEC. 2. Each and every person, so licensed as aforesaid, shall pay to the city clerk, for each license, the sum of five dollars, for the use of the city, and one dollar for drawing and sealing the same; and the city clerk shall keep a record of such licenses, in a book to be provided for that purpose.

Record.

Qualifications

SEC. 3. No person shall be licensed, as aforesaid, unless he be of the age of twenty-one years, at least, and the owner of one or more horses, and good and sufficient cart, or carts.

Separate license.

SEC. 4. Separate license shall be taken out for every cart.

Penalty.

SEC. 5. The owner of every cart, running without license, as aforesaid, shall, in each and every case, of such violation, of this ordinance, be subject, and held to pay the penalty of ten dollars, to be sued for and recovered in the name, and for the use of the city with costs.

Penalty for not cleaning sink, etc.

SEC. 6. Any scavenger, who shall remove part of the contents of any sink, or privy, and not clean the same

to the bottom, shall be liable to a fine of twenty-five dollars, for each offense.

Hours. SEC. 7. The working hours, for the removal of sinks, privies, tubs, and cesspools, shall be from eleven o'clock at night, to three o'clock in the morning, under the penalty of ten dollars, for each offense.

Dumping. SEC. 8. The contents of any sink, privy, or cesspool, shall not be laid, cast, thrown, or dumped, in or upon any street, wharf, or pier, or in any slip or dock, (except at the regular dumping places) or in any lane, alley, lot, or vacant place, under the penalty of ten dollars, for each offense.

Reports. SEC. 9. Each scavenger shall report at the office of the street commissioner, before twelve o'clock in the day, the number and street, where his carts where at work, the previous night, and the dock at which the carts dumped; and such report shall state whether the sink has, or has not, been emptied to the bottom.

Numbering. SEC. 10. Every cart-box shall have on both sides, the number of the license painted in black figures, twelve inches in length, and at least three inches in breadth, upon a white ground, of at least eighteen inches in width.

Lamp lid for box. SEC. 11. Every box shall carry a lighted lamp, or lantern, excepting only very light moonlight nights, and the lid of each box shall be kept constantly shut, except when actually receiving the contents of tubs, and be fastened down tight, when the cart is in motion.

Filling and drawing. SEC. 12. No scavenger shall fill his box, so full as to overflow, nor allow it to leak, or drive his horse at a gait faster than a walk.

SEC. 13. With every cart, or tub, a pail shall be carried, of a capacity to contain three gallons, which shall be used only for the purpose of carrying water to wash off the sidewalks, alleyways, &c., upon which any filth may have been accidently spilt. No tub shall be

Washing, &c.

Cover to tub. used in carrying the contents of privies, to the street, without a tight cover to prevent the smell. Drivers are directed to avoid passing through the principal throughfares or streets, and to keep away from the public markets, ferry slips, &c., as much as possible.

Repairs. SEC. 14. Whenever the street commissioner shall call the attention of the driver, of any cart, to its leaking, such cart shall not be again used, until properly repaired.

Removal of filth in case of breakage. SEC. 15. If any loaded cart should break down, in, or upon any street, avenue, alley lane, wharf, dock, or other place, it shall be the duty of the scavenger, and of the driver, of such cart, to cause the same to be reported immediately, to the street commissioner, and to cause the removal of the nuisance, forthwith.

Removal of Nuisance. SEC. 16. The street commissioner shall have power to direct any scavenger, or driver, of any cart, to remove a nuisance, immediately when caused, by the breaking down of a cart, and a reasonable compensation shall be paid by the owner of the broken down cart, to the owner of the cart used, for the removal of

Penalty. the nuisance; and if any scavenger, or the driver employed by any scavenger, shall refuse, or neglect, to comply with the requirements, and directions so given, by the street commissioner, the scavenger, owning the cart, so refusing, or neglecting, shall be liable to have his license revoked, or to a fine not exceeding ten dollars.

Care of cart and implements. SEC. 17. No scavenger, cart, or implements, shall be kept in any vacant, or open lot, or place, unless under the cover of an enclosed shed, or in house; and every cart, and all working implements, shall be cleaned immediately after use, and kept in proper condition.

SEC. 18. The price of removing the contents of sinks,

privies, and cesspools, shall be at the rate of eight cents per cubic foot.

Passed September 26, A. D., 1855.

SAMUEL W. CAREY, City Clerk.

Approved October 4, A. D., 1855.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance concerning night scavengers." Approved October 4, 1855.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the ordinance entitled "an ordinance, concerning night scavengers." Approved October, 4th, 1855, be, and is hereby amended, by striking out section 18, thereof, and inserting in lieu the following: The price of removing the contents of sinks, privies, and cesspools, shall be at the rate of ten cents per cubic feet.

Compensation.

Passed August 22, 1866.

JOHN KENNEDY, City Clerk.

Approved August 23, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "an ordinance concerning night scavengers," approved August 23, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

Price for cleaning sinks, privies, &c.

SECTION 1. That the price of removing the contents of sinks, privies, and cesspools, shall be at the rate of fourteen cents per cubic foot.

Application to street commissioner.

SEC. 2. That no night scavenger shall clean or remove the contents of any privy, sink, or cesspool, in the city of Hoboken, without first making application, to the street commissioner, in writing, stating the size of the privy, sink, or cesspool, to be cleaned, and the name and residence of the owner thereof, for a permit so to do; and the night scavenger, making such application, shall pay to the street commissioner for a privy, sink, or cesspool, containing not more than one hundred and fifty cubic feet, the sum of five dollars, and for a privy, sink, or cesspool, containing more than one hundred and fifty cubic feet, the sum of seven dollars and fifty cents.

Cost of permit.

Permit.

SEC. 3. It shall be the duty of the street commissioner, upon application made to him, as aforesaid, and upon payment of the fees, aforesaid, to give to such applicant, a written permit, to clean such privy, sink, or cesspool, which permit shall be returned by the night scavenger, receiving the same, and filed in the city clerk's office.

Street commissioner to report.

SEC. 4. It shall be the duty of the street commissioner, to make a report in writing, on the first Monday in each month, to the council, of the city of Hoboken, of the number of permits by him granted, and the amounts of money by him received, therefor, and

to pay the moneys, so received, by the city treasurer, to be applied to the contingent fund.

Penalty for cleaning sinks, &c., without permit.

SEC. 5. No night scavenger shall clean any sink, privy, or cesspool, without first obtaining the written permit, of the street commissioner, so to do, under a penalty of twenty-five dollars, for each offense.

Repealer.

SEC. 6. All ordinances and parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed.

Passed January 5, 1869.

JOHN KENNEDY, City Clerk.

A supplement to an ordinance entitled "an ordinance to amend an ordinance, entitled an ordinance concerning night scavengers," approved August 23, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two of the ordinance entitled "an ordinance to amend an ordinance concerning night scavengers," approved August 23, 1866, be and the same is hereby amended, so that section two shall read as follows: that no night scavenger shall clean or remove the contents of any sink or cesspool in the city of Hoboken without first making application in writing to the street commissioner stating the size of the privy, sink or cesspool to be cleaned and the name and residence of the owner thereof, for a permit to do so; and the night scavenger making such application shall procure a permit and tickets endorsed by the street commissioner, for each of said tickets there shall be paid to the street commissioner a fee of two dollars, each ticket entitling the said scavenger to dump in the night soil boat one load of not more than one cubic yard, and upon dumping any load or part of a load in the night soil boat, the said scavenger shall deliver to the keeper thereof the ticket so received by him as aforesaid.

SEC. 2. That the keeper of the night soil boat shall keep his said boat well pumped and cleaned and on every dumping night he shall attend at said night soil boat from eleven o'clock in the night to three o'clock in the morning; and before any load or part of a load be dumped in said boat by any night scavenger he shall receive the ticket for said load or part of load granted

by the street commissioner as aforesaid, and he shall make a weekly return of said tickets to the city clerk at his office on the morning of every Monday.

SEC. 3. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and they are hereby repealed.

Passed July 13, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved July 15, 1875.

JOSEPH H. RUSSELL, Mayor.

A Supplement to an ordinance entitled, "an ordinance, to amend an ordinance, entitled, an ordinance concerning night scavengers." Approved August 23, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two of the ordinance entitled "an ordinance to amend an ordinance, entitled an ordinance concerning night scavengers," approved August 23, 1866, be, and the same is hereby amended, so that said section two shall read as follows: That no night scavenger shall clean or remove the contents of any sink, or cesspool, in the city of Hoboken, without first making application to the street commissioner, in writing, stating the size of the privy, sink, or cesspool, to be cleaned, and the name and residence of the owner thereof, for a permit so to do, and the night scavenger making such application, shall pay to the street commissioner, for such permit, a fee of three (3) cents per cubic foot, on the contents of each sink, privy, or cesspool, for the cleaning of which a permit is granted. Amendatory section. Application for permit. Cost of permit.

SEC. 2. That all ordinances, and parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed. Repealer.

Passed June 21, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved June 22, 1870.

HAZEN KIMBALL, Mayor.

RELATIVE TO HOBOKEN AND WEEHAWKEN HORSE RAILROAD COMPANY.

An ordinance to authorize, license and permit the Hoboken and Weehawken Horse Railroad Company to lay tracks and run cars thereon in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

License to the Hoboken and Weehawken Horse Railroad Co.

SECTION 1. That it shall and may be lawful for, and license and permission is hereby given to the Hoboken and Weehawken Horse Railroad Company and their successors, to lay a double track of iron rails in the city of Hoboken, with proper turn-outs to connect with any other railroad or roads and to run rail cars thereon in

Route.

the following streets, that is to say: commencing at or near the present ferry gates in Ferry street, and running thence westerly along Ferry street to Washington street; thence northerly along Washington street and the future continuation thereof; *provided, however,* and this grant and authority being upon and with the

Superintendance.

following conditions and stipulations, to wit: That such double track shall be laid under the direction of the street commissioner and committee on streets and assessments, in or near the middle of said streets; that

Rails; distance between.

the outer rails shall not exceed thirteen feet and six inches apart, and that the rails shall be laid flush or even with the pavement; that such rails shall be laid

Grades.

on the grades now established, and shall at all times conform to such grades as shall hereafter be established by the council of said city; that the said railroad company shall keep in good repair under the like direction

Repair.

of the street commissioner and committee on streets

and assessments, the space between the said rails and two feet on each side of the outer rails; and that they shall pave the space between the outer rails and curbs on each side of the street, with Belgian Pavement, in the following manner, to wit: From Newark street to Second street, the first year; from Second to Fourth streets, the second years; from Fourth to Sixth streets, the third year; and from Sixth to Tenth streets in five years, the last term to include from Newark and Ferry streets; and but one side of the street shall be taken up at a time for the purpose of paving the same; and that in the construction of any sewer or sewers, or repairing the same, or laying any drain pipe, or water pipes or gas pipes, or in repairing, altering or grading the streets through which the above permission is given the council reserve the use of the aforesaid streets for the purpose of making any of the aforesaid improvements or repairs, and that no expense attending the removal or replacing of the rails, for the purpose of making such improvements and repairs, shall not be borne by the city or owners of property on the line of Washington and Ferry streets, and *provided, further*, that no steam power whatever shall be used on said rails, nor any other motive power except horse power, within the corporate limits of Hoboken; *and further*, that said rails or tracks shall not be used for any other purpose than the carrying of passengers, goods and merchandize.

Pavement.

Construction of sewers, &c.

Motive power.

Use of tracks.

Sec. 2. It shall be the duty of the said company, to provide and keep upon their horses attached to the cars, while in motion, suitable and proper bells to give warning of their approach, and that the cars shall not run at a greater speed than six miles an hour, and shall also provide and keep up proper lights and light up the same when the cars are run at night, and that in clearing away or removing the snow or ice in and

Bells.

Speed.

Lights.

Snow and ice. removal of

from said tracks it shall be done in such a manner as not to interrupt the public travel upon the street, or to interfere with the rights and privileges of the occupants of property fronting on the street in which such tracks shall be laid, and that no salt or any other melting substance shall be used for removing the snow.

SEC. 3. That this grant is upon and with the further conditions that the said Hoboken and Weehawken Horse Railroad Company, shall run or cause to be run a car or cars, for the carrying of passengers on such railroad, every day each way on the arrival or departure of every Ferry boat between the hours of six in the morning and ten at night, and that no car to be used on such railroad shall exceed twenty feet in length.

Time.

Length of cars.

License fee

SEC. 4. That the said, The Hoboken and Weehawken Horse Railroad Company shall yearly and every year pay to the corporation of Hoboken, aforesaid, the sum of fifteen dollars for every one-horse car, and twenty dollars for every two-horse car which they shall run or cause to be run on such tracks, as a license fee, and thereupon the said Railroad Company shall receive a proper license from the mayor and council for each and every such car, for the period of one year, accordingly.

Fare.

SEC. 5. That it shall not be lawful for the said, The Hoboken and Weehawken Horse Railroad Company to charge, take or receive more than five cents fare for each passenger which they may carry on said railroad, between Eighth street and the Hoboken Ferry Gates, foot of Ferry street, and that said company shall sell to the citizens of Hoboken packages of twenty tickets at seventy-five cents each packages.

Tickets.

Building materials.

SEC. 6. That it shall not be lawful for any person or persons to lay or deposit any building material, or other substance, in any of the streets through or along

which said rails are hereby authorized to be laid within two feet of the track of such railroad, under a penalty of five dollars for each and every one hour that such building material or other substance, as aforesaid, are allowed to remain. Nor shall any officer of the city grant permission, or permit, or allow any person or persons to lay or deposit any building material or other substance within the distance of two feet from such tracks, under the like penalties. Penalty. Permission.

SEC. 7. And be it further ordained that this grant is given and upon the further condition, that the said, The Hoboken and Weehawken Horse Railroad Company shall, without delay, commence to lay tracks as in this ordinance, without any delay on their part and that such tracks shall be laid and railroad cars running thereon through the whole city, as aforesaid, on or before the first day of October, 1860, and said cars shall continue to run on said tracks or rails every day thereafter, unless prevented by some lawful cause or impediment. To lay tracks without delay.

SEC. 8. That in case the said railroad company shall neglect, or refuse to perform and observe any and all the conditions, provisions and stipulations contained in this ordinance or any other ordinance which may hereafter be lawfully passed by the mayor and council of the city of Hoboken, and lawfully in force, that then this ordinance and all the provisions therein contained shall be null and void, and this grant and authority to said, The Hoboken and Weehawken Horse Railroad Company, shall thereupon and immediately cease and determine. Ordinance to be void in case of neglect or refusal.

SEC. 9. That the width of the guage or space between such rails shall not exceed five feet and five inches; that all such rails shall have a tram or plate not less than five inches wide, measuring from the inside of the flange. Width of guage.

Obstructing cross-walks.

SEC. 10. No railroad car or other car used by said railroad company on their said tracks shall encumber or obstruct any sidewalk or cross-walk or any street in the city of Hoboken, for a longer period than is absolutely necessary for the safe and expeditious discharge or admittance of passengers, only, under the penalty of ten dollars for each offence, to be forfeited and paid by the said railroad company or by the agent, conductor, or driver, in whose charge such railroad car or other conveyance may be, severally and respectively.

Penalty.

Grant to other persons or company.

SEC. 11. That in case the said mayor and council should, at any future time, grant to any other person or persons or company, a grant or privilege to run cars on the railroad tracks hereby authorized to be laid by the said, The Hoboken and Weehawken Horse Railroad Company, then it shall be specially incumbent on the said, The Hoboken and Weehawken Horse Railroad Company to unite with such other person or persons, or company to whom such grant or permission may be given, in making an agreement as to the terms and compensation to be paid to said Hoboken and Weehawken Horse Railroad Company for the right and privilege of running on any part of said tracks south of Second streets; and in case the said parties cannot agree upon such terms and compensation, that then, and in that case, the said parties shall refer the matter to the said council, and their decision in the premises shall be binding on both parties and conclusive in the matter.

Construction of ordinance.

SEC. 12. That this ordinance shall not be deemed or construed as binding upon the said, the mayor and council of the city of Hoboken, nor shall it go into effect until the said, The Hoboken and Weehawken Railroad Company shall first duly execute and deliver such an instrument, in writing, conveying and agreeing and engaging on their part and behalf to stand, to abide

Bond.

and perform all the conditions, requirements contained in this ordinance, as the mayor and corporation attorney shall by their certificate approve, and not until such instrument shall be filed as certified in the office of the city clerk, which instrument, in writing, shall also contain an express covenant, binding said railroad company, and their successors, to pay an annual tax on one-half of all the capital stock of said railroad company at the same rate of taxation as other personal property shall or may be taxed. Annual tax.

SEC. 13. That the said railroad company shall, at all times, keep an office within the city of Hoboken for the purpose of transacting their business. Office.

SEC. 14. That the said Hoboken and Weehawken Horse Railroad Company shall pave the space between the rails with Belgian pavement or round paving stones, at their option, and that the said railroad company be required to lay the cross-walk with the present bridge stone that is now laid on the cross-walk, all to be laid under the supervision of the street commissioner and committee on streets and assessments. Paving.

SEC. 15. That the grant to the Hoboken and Weehawken Horse Railroad Company to lay rails through Washington street and run cars thereon, shall be for the term of twenty-five years, and at the expiration of said twenty-five years, said grant shall cease and determine, unless renewed by the mayor and council, said term of twenty-five years to date, and commence from the passage of this ordinance. Term of grant.

Passed January 3, 1860.

Approved January 4, 1860.

F. B. CARPENTER, Mayor.

An ordinance to provide for the laying of railroad tracks and runing rail cars thereon, in or over any street or highway within the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

Track to be laid under the direction of street commissioner and committee on streets.

SECTION 1. That whenever any permission shall hereafter be granted to any person or persons or corporation to lay railroad tracks and run rail cars thereon, in or over any street or highway within the city of Hoboken, such person or persons or corporations shall be subject to the following licenses condition and restriction that such track or tracks shall be laid under the direction of the street commissioner and committee on streets, that such rail shall be laid on the grades now established, and shall at all times conform to such grades as shall hereafter be established by the council of said city; that every such person or persons or corporations shall keep in good repair under the like direction of the street commissioner and committee on streets and assessments, the space between the said rails, and two feet on each side of the outer rails; and that in the construction of any sewer or sewers, or repairing or laying any drain pipe, water pipes or gas pipes, or in repairing, altering or grading the streets through which any such permission shall be given, the council reserve the use of such streets for the purpose of making any of the aforesaid improvements or repairs, and that no expense attending the removal or replacing of the rails for the purpose of making such improvements or repairs shall be borne by the city or the owners of property along the line of any such street.

Keep in repair.

Water pipes, &c.

Council's powers.

Duty of railroad companies.

SEC. 2. It shall be the duty of the said person or persons or corporation, and also of every company which has heretofore laid rails through any of the

streets of said city for the purpose of running horse cars thereon, to provide and keep upon their horses, attached to the cars, while in motion, suitable and proper bells, to give warning of their approach, and the cars shall not run at a greater speed than six miles an hour, and shall also provide and keep up proper lights, and light the same when the cars are run at night, and that in clearing away or removing the snow or ice, in and from said tracks it shall be done in such a manner as not to interrupt the public travel upon the street or to interfere with the rights and privileges of the occupants of property fronting on the streets in which such track shall be laid, and that no salt or any other melting substance shall be used for removing the snow.

Provide cars with bells.

Provide lights

Removing snow.

SEC. 3. It shall be the duty of said person or persons or corporation, and also of every company which has heretofore laid rails through any of the streets of said city for the purpose of running horse cars thereon, to run or cause to be run a car or cars for the carrying of passengers on such railroads, every day each way, every half hour, from between the hours of six in the morning, and ten at night.

Cars to run every half hour.

SEC. 4. It shall be the duty of said person or persons or corporation, and also of every company which has heretofore laid rails through any of the streets of said city for the purpose of running horse cars thereon, to pay yearly and every year to the corporation of Hoboken aforesaid, the sum of fifteen dollars for every one-horse car, and twenty-five dollars for every two-horse car, which they shall run or cause to be run on such track as a license fee; and thereupon, the said person or persons, or railroad company shall receive a proper license from the mayor and council for each and every such car for the period of one year, accordingly; said license shall take date from the first Monday in June of each year, and the city clerk shall be entitled to

License.

Clerk's fees.

receive and demand the sum of one dollar for each license granted as aforesaid.

Fare.

SEC. 5. That the said person or persons, or corporation shall not charge, take or receive more than five cents fare for each passenger, they may carry within the limits of the city of Hoboken, and such person or persons, or corporation, shall sell to citizens of Hoboken packages of twenty-five tickets at seventy-five cents for each package.

Obstructing the street.

SEC. 6. No railroad car or other car used by any person or persons, or corporation, or railroad company, on their said tracks, shall encumber or obstruct any sidewalk or crosswalk, or any street in the city of Hoboken, for a longer period than is absolutely necessary for the safe and expeditious discharge or admittance of passengers only, under the penalty of ten dollars for each offense, to be forfeited and paid by the said person or persons, or corporation, or railroad company, or by the agent, conductor or driver in whose charge such railroad car or other conveyance may be, severally and respectively.

Penalty. $10.

Keep an office

SEC. 7. That the said person or persons, or corporation, or railroad company, shall at all times keep an office within the city of Hoboken for the purpose of transacting their business.

Disturbance on cars.

SEC. 8. No disturbance or disorderly conduct shall be allowed by the person or persons, corporation or railroad company, owning any railroad car or other car, upon the same, while passing through any street of the city of Hoboken, under the penalty of ten dollars for each offense, to be forfeited and paid by such person or persons, corporation, or railroad company, or by the agent, conductor or driver in whose charge such railroad car or other conveyance may be, severally and respectively.

Penalty. $10.

SEC. 9. That in case any person or persons, or corporation, to whom permission, as aforesaid, may be

hereafter granted, shall neglect or refuse to comply with the provisions of this ordinance, then the council shall have power, by resolution, to rescind and revoke any grant or permission given by them to such person or persons, or corporation. Council have power to rescind.

SEC. 10. That every person or persons, or corporation, to whom permission shall be granted to lay railroad tracks and run cars thereon, shall enter into bonds to the city, in the sum of ($1,000) one thousand dollars, conditioned for the faithful performance of all the conditions and restrictions of this ordinance, which bonds shall be filed with the city clerk before the said person or persons, or corporation, shall proceed to lay any railroad tracks in the said city or run cars thereon.

Passed June 26, 1861.

JOHN KENNEDY, City Clerk.

Approved June 27, 1861.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to provide for the laying of railroad tracks and running rail cars thereon in or over any street or highway within the city of Hoboken," approved June 27, A. D., 1861.

The Mayor and Council of the city of Hoboken do ordain as follows:

Penalty for running cars without license.

SECTION 1. That if any one-horse car, or two-horse car shall be run upon any track within this city, whether propelled by horses or mules, without a license having been first obtained for that purpose, according to the provisions of the fourth section of the ordinance, to which this is a supplement, the owner or owners of such car shall be liable to the payment of a penalty of ten dollars for every time such car shall be run without such license as aforesaid.

Passed December 4, 1861.

JOHN KENNEDY, City Clerk.

Approved December 5, 1861.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to provide for the laying of railroad tracks and running rail cars thereon, in or over any street or highway within the city of Hoboken, approved June 27, A. D., 1861.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section two, of the ordinance to which this is a supplement, be amended by adding to said section the following words: "Under the penalty of five dollars for each offence to be forfeited and paid by every such person or persons, corporation or company, their agents or employes, *provided, however,* that for using salt or other melting substance, for removing snow or ice, such person or persons, corporation or company, their agents or employes, shall be subject to the penalty of fifty dollars for each and every such offence. Penalty for using salt.

SEC. 2. That section three of the ordinance, to which this is a supplement, be amended by adding to said section the following words: "Under the penalty of five dollars, to be forfeited and paid, for every omission to run such car or cars as above described. Running the cars.

SEC. 3. That if any person or persons, or corporation, their agents, or employes, shall charge, take or receive more than five cents fare from any passenger, they may carry within the limits of the city of Hoboken, or refuse to sell to any citizen of Hoboken, packages of twenty-five tickets at seventy-five cents for each package, such person or persons, or corporation, their agents or employes, shall forfeit the sum of five dollars for every such offence. Fare. Tickets.

SEC. 4. That section seven of the ordinance, to which this is a supplement, be amended by adding to said

To keep an office.

section the following words: "And in case of their neglecting so to do, such person or persons, corporation or railroad company shall forfeit and pay the sum of one dollar for every hour such person or persons, corporation or railroad company, shall neglect to keep such office within the city of Hoboken, as required by the said ordinance.

Passed Jan. 29, 1862.

JOHN KENNEDY, City Clerk.

Approved Jan. 30, 1862.

JOHN R. JOHNSTON, Mayor.

An ordinance to amend an ordinance to provide for the laying of railroad tracks and running rail cars thereon in or over any street or highway within the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. It shall be the duty of any person or persons or corporation and also of every company, which has heretofore laid or shall hereafter lay rails through any of the streets of the city of Hoboken for the purpose of running horse cars thereon to pay yearly and every year to the corporation of Hoboken the sum of ten dollars for every one horse car which they shall run or cause to be run on such track, as a license fee.

SEC. 2. That if any one horse car or two horse car shall be run upon any track within this city without a license having been first obtained for that purpose, the owner or owners of such car shall be liable to the payment of a penalty of five dollars for every time such car shall be run without such license as aforesaid.

SEC. 3. That all ordinances and parts of ordinances not consistent with this ordinance be and the same are hereby repealed.

Passed Nov. 9, 1875.

JOHN R. McCULLOCH, City Clerk.

An ordinance to amend an ordinance entitled "an ordinance to amend an ordinance to provide for the laying of railroad tracks and running rail cars thereon, in or over any street or highway within the city of Hoboken, passed November 9, 1875.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the first section of an ordinance entitled "an ordinance to amend an ordinance to provide for the laying of railroad tracks and running rail cars thereon in or over any street or highway within the city of Hoboken," which was passed on the ninth day of November one thousand eight hundred and seventy five, be and the same is hereby amended by striking out the words "the sum of ten dollars for every one horse car and ten dollars for every two horse car," and inserting in lieu thereof the words "the sum of fifteen dollars for every one horse car and twenty-five dollars for every two horse car."

Passed July 3, 1877.

GEORGE J. DUCKER, City Clerk.

RELATIVE TO RIOTOUS AND DISORDERLY ASSEMBLAGES.

An ordinance to suppress riots, disorderly and tumultuous assemblies, vice and immorality and to provide for the punishment of offenders.

The Mayor and Council of the city of Hoboken do ordain as follows:

Riots. Penalty. SECTION 1. No person shall be engaged in any riot, disorderly or tumultuous assembly, under the penalty of ten dollars for each and every offence.

Interference. Penalty. SEC. 2. No person shall assault, or in any way resist or incite others to resist any policeman or other officer of the law, engaged in endeavoring to quiet said riot or disperse said disorderly or tumultuous assembly, or arrest the parties engaged therein, under the penalty of twenty dollars for each and every offence.

Play. Penalty. SEC. 3. No person on the first day of the week, commonly called Sunday, shall play at foot ball, cricket, or engage in any other play, sport, passtime, or diversion under the penalty of five dollars for each and every offence.

Sunday observance. SEC. 4. No person shall behave in disorderly manner on the first day of the week, commonly called Sunday, under the penalty of ten dollars for each and every offence.

Intoxication. Penalty. SEC. 5. No person shall become intoxicated or drunk by the excessive use of spirituous, vinous, or other strong liquor, under the penalty of five dollars for each and every offence.

Religious meetings. SEC. 6. No person shall wilfully, and of purpose disquiet, interrupt, or disturb, any assembly of people, met for religious worship, either by making a noise, or by rude and indecent behavior, or profane discourse,

either within their place of worship or out of it, so near the same as to disturb the order and solemnity of the meeting, under the penalty of twenty dollars for each and every offence.

Penalty.

Passed October 17, 1866.

JOHN KENNEDY, City Clerk.

Approved October 18, 1866.

FREDERICK B. OGDEN, Mayor.

RELATIVE TO BATHING, &c.

An ordinance relating to bathing and indecent exposure.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. No person or minor shall at any time swim or bathe in any of the waters in or surrounding the city of Hoboken, at any place within its corporate limits, exposed to view, between the hours of six o'clock A. M. and eight o'clock P. M., under the penalty of one dollar for each and every offence. Bathing prohibited. Penalty.

SEC. 2. No person or minor shall expose his person in an indecent manner in the streets or public grounds, or on the wharves or piers, or on board of any vessel within the corporate limits of the city of Hoboken, under the penalty of five dollars for each and every offence. Penalty.

Passed June 22, 1865.

JOHN KENNEDY, City Clerk.

Approved June 23, 1865.

FREDERICK B. OGDEN, Mayor.

RELATIVE TO STAGE AND OMNIBUS DRIVERS.

An ordinance respecting stage and omnibus drivers.

The Mayor and Council of the City of Hoboken do ordain as follows:

Who to be licensed.

SECTION 1. All persons coming within, and complying with the provisions of this ordinance, may be licensed to keep and drive accomodation coaches, ombus stages or hacks, if the mayor shall deem it for the public convenience. Such license shall be issued, by the mayor on application to him, and shall specify in each case and for each coach, hack, or stage, the name of the owner, the number of the stage, coach, or hack, and the route to be taken in going to, and returning from such parts of the city for which it shall be licensed; and each and every license shall be issued under the corporate seal and attested by the city clerk.

License to be issued by mayor and provisions of license.

Age and qualification of applicants.

SEC. 2. No person unless he be of the age of twenty-one years and upwards and shall be known to be an actual resident of the city shall be licensed as aforesaid, and he shall be the owner of one or more good horses and a sufficient accomodation, coach, omnibus, stage or hack.

Licenses when to expire.

SEC. 3. All licenses granted by virtue of this ordinance shall expire on the first day of June next, after the date thereof, and may be renewed by the mayor upon application.

SEC. 4. Separate license shall be taken out for every stage, coach or hack.

Rates for licenses to be set by the council.

SEC. 5. Every person licensed by virtue of the provisions of this ordinance, shall pay to the mayor for the use of the city, for every accomodation coach, omnibus, stage or hack, which such person shall drive or use,

such sum or sums as the council shall by resolution from time to time direct, and shall also pay the sum of one dollar to the city clerk for drawing such license. Clerk's fees.

SEC. 6. The owner of any coach, stage or hack, driving without license, or using any other street or streets than those assigned by license to it, shall in each or any and every case of such violation of this ordinance be subject and held to pay the penalty of ten dollars, to be recovered in the name and for the use of the city with costs. Penalty.

SEC. 7. No person shall keep or drive, for hire or wages in this city any accomodation coach, omnibus, stage or hack by whatever name or title the same may be known or designated without being licensed as aforesaid, under the penalty of twenty-five dollars and costs of suit for every such offence, to be recovered from the owner or driver thereof, severally and respectively. Penalty for driving unlicensed hacks, &c.

SEC. 8. No person shall drive any such coach, stage, or hack, unless he be twenty-one years of age and have obtained license from the mayor for such purpose, under the penalty of ten dollars and costs of suit for every such offense to be recovered from the owner of such stage, coach or hack, and from such driver or either. Age of driver and penalty.

SEC. 9. The mayor is hereby authorized to issue licenses from time to time to drivers of such coaches, stages or hacks as often as may be necessary, and to suspend and revoke the same whenever he may deem it expedient. Mayor to issue licenses.

SEC. 10. It shall be the duty of the councilmen of each ward, when it may be necessary to fix a stand for the accomodation of coaches, stages, or hacks, together with the mayor, to designate a place for the accomodation of said coaches, stages or hacks, within their respective wards, and the place so fixed upon by a Mayor and council to designate stands for hacks, &c.

majority of them shall be the stand or place, until a change shall be made by the same authority.

Penalty for violation of above section.

SEC. 11. If any stage, coach or hack, shall stand for hire or employment in any other street or place or for any longer time than is prescribed by or under this ordinance, the owner or driver thereof shall forfeit and pay for every such offence the sum of five dollars, to be sued for and recovered from the owner or driver thereof severally and respectively, with costs in the name and for the use of the city.

Location and penalty.

SEC. 12. No stage, coach or hack, whilst upon, at or near either of the said stands, shall stand abreast or alongside of any other stage, coach or hack or carriage, under the penalty of five dollars for every such offense, to be sued for and recovered from the owner or driver thereof, severally and respectively, in the name and for the use of the city. with costs.

Powers and authority of mayor and council to make rules and regulations.

SEC 13. The mayor of the city, with the assistance of the councilmen of each ward, respectively, shall have full power and authority to make such rules and regulations, and give such orders, respectively, the standing of accomodation stages, omnibus stages or hacks, at and upon the stands designated and specified for such coaches, stages or hacks, as may be necessary to preserve order.

Penalty for violation of rules and regulations, &c.

SEC. 14. Every owner or driver of any such coach or hack who shall neglect to obey any of the said rules, regulations or orders, shall forfeit and pay for every such offense the sum of five dollars, to be recovered, with costs, from the owner or driver of any such stage or coach, severally and respectively.

Drivers not to leave hacks, &c., penalty for violation.

SEC. 15. No driver of any stage, coach or hack, while waiting for employment at their stand, shall leave such stage, coach or hack, under the penalty of five dollars for every such offence, to be recovered from the owner or driver thereof, severally and respectively, in the manner and for the use of the city, with coasts.

SEC. 16. Every stage, coach or hack, shall be numbered on each side near the centre thereof, and on the door behind, both on the inside and outside panel, with the license number thereof in plain distinct figures, four inches in length, painted on a ground of distinct contrast color, and so placed as to be readily seen and known at all times, under the penalty of five dollars and costs of suit, for each and every day's use of such stage, coach or hack not so numbered. Numbering. Penalty.

SEC. 17. Every stage, coach or hack, when driving or used in the night, shall have fixed upon the inside of the front of the stage, coach or hack a sufficient lighted lamp or candle, under a like penalty, to be sued for and recovered as heretofore provided. Lights. Penalty.

SEC. 18. It shall be the duty especially of all police officers, marshalls and of the councilmen to report all violations of this ordinance to the attorney of the corporation.

Passed June 13, 1855.

SAMUEL W. CAREY, City Clerk.

Approved June 22, A. D., 1855.

C. V. CLICKENER, Mayor.

An ordinance to amend an ordinance entitled "an ordinance relating to omnibus and stage drivers."

Omnibus and stage drivers.

Whereas, in and by a certain ordinance, passed by the mayor and council of the city of Hoboken, entitled an ordinance relating to omnibus and stage drivers, passed June 13, A. D. 1855, and approved June 22, 1855, it is ordained that no person, unless he be of the age of twenty-one years and upwards, and shall be known to be an actual resident of the city, shall be licensed to keep or drive any accomodation coach, stage, omnibus or hack within this city.

Whereas, it is necessary for the public travel and convenience of person residing out of and beyond the limits of said city, should be licensed as aforesaid, therefore.

SECTION 1. Be it ordained by the mayor and council of the city of Hoboken, that it shall and may be lawful for the mayor to grant, to any person, who is a resident

To be licensed

of this state, a license to keep or drive any accomodation coach, omnibus, stage or hack, within said city if he shall deem it for the public convenience upon such persons, complying with the other provisions of the ordinance to which this is an amendment.

Repealer.

SEC. 2. That so much of the provisions of the said ordinance, to which this is an amendment and all other ordinances of said city inconsistent with the provisions of this ordinance be and they are hereby repealed.

Passed June 17, 1657.

H. M. BRANDIS, City Clerk.

Approved June 24, A. D., 1857.

F. B. CARPENTER, Mayor.

RELATIVE TO PORTERS.

An ordinance concerning porters.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That it shall not be lawful for any person or persons to exercise the calling or employment of public porters within the limits of the city of Hoboken, without first obtaining licenses therefor, as hereinafter provided. Porters not to act without license.

SEC. 2. That all and every person or persons exercising what is commonly called the employment of runners, and all and every person or persons who shall be discovered soliciting custom for hotels, boarding houses, forwarding transportation lines, hackney coaches or carriages, shall be considered and esteemed public porters, within the meaning of this ordinance and dealt with accordingly. Who to be considered porters.

SEC. 3. That the mayor of the city of Hoboken may on application to him, and when he shall deem it for the public convenience so to do, license any person or persons, exercising or to exercise the calling or employment of public porters, in the manner and upon the terms provided for in this ordinance. Mayor to license.

SEC. 4. No license to exercise the calling or employment of public porter or porters, shall be granted to any person or persons, unless such person or persons shall present to the mayor of the city of Hoboken, an application, in writing, verified by the oath of such applicant, made before the recorder of the said city, or some justice of the peace residing in said city, setting forth that such applicant is a citizen of the United States, and has a family, and resides with his family in said city of Hoboken, or, if not having a family, shall Qualifications

have resided himself therein, during the six months preceding the date of such application, which application, so verified, shall be filed with the city clerk in his office, before the said license is sealed and delivered.

Cost of license.

SEC. 5. The price of a license to exercise the calling or employment of a public porter, shall be ten dollars, to be paid to the city treasurer, besides one dollar to be paid to the city clerk for drawing such license which sums shall be paid on receiving such license.

Expiration of license.

SEC. 6. All licenses to exercise the calling or employment of a public porter, shall expire on the first day of June next after the date of granting the same.

Porters to wear badges.

SEC. 7. All persons so licensed by virtue of this ordinance, shall, while actually following the calling or employment of a public porter, wear a badge or plate, denoting his right to act in the capacity aforesaid, and no person or persons so licensed as aforesaid, shall neglect or refuse to wear such a badge as aforesaid, under the penalty of five dollars for each and every offence.

Penalty.

Penalty for acting without license.

SEC. 8. That if any person or persons (except a person licensed as hereinbefore provided) shall exercise the calling or employment of a public porter within the limits of the city of Hoboken, or upon any steamboat, ferryboat, vessel or other craft, or upon any dock or pier within the city of Hoboken aforesaid, or upon any waters adjacent thereto, or over which the ordinances of said city extend, without such license as aforesaid, shall forfeit and pay the sum of twenty-five dollars and stand committed until the same be paid.

Mode of recovering of penalty.

SEC. 9. Any forfeiture or penalty arising under this ordinance shall be recovered by an action before the recorder as prescribed by the city charter and the forfeiture so recovered, shall be paid into the city treasury, and the prosecutor or complainant shall be admitted as a witness on the trial, and it shall be the duty of the

mayor, recorder, corporation attorney and any of the councilmen, constables or policemen to commence an action in behalf of the city, and in its corporate name against any person guilty of a violation of any of the provisions of this ordinance. Who to commence action.

SEC. 10. All ordinances and parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed. Repealer.

Passed July 14, 1868.

JOHN KENNEDY, City Clerk.

Approved July 15, 1868.

F. W. BOHNSTEDT, Mayor.

RELATIVE TO PEDDLERS AND PETTY CHAPMEN.

An ordinance in relation to peddlers and petty chapmen.

The Mayor and Council of the city of Hoboken do ordain as follows:

Licenses for venders.

SECTION 1. There shall be licensed by the mayor from time to time, so many persons as he shall deem expedient, recommended by at least six citizens of this city for the purpose of vending goods, wares and merchandize, (not the growth, product or manufacture of this state) from wagons, carts or other vehicles or from baskets or other packages, within this city, and such licenses shall expire on the first Monday of June next thereafter, subject, nevertheless, to be revoked at the pleasure of the mayor.

License fees.

SEC. 2. Each and every person so licensed as aforesaid, shall pay to the city clerk for each license, the sum of five dollars for the use of the city, and one dollar for drawing and sealing the same; and the

Record.

city clerk shall keep a record of such licenses in the book provided for the registry of hawkers and peddlers.

No peddling without license.

SEC. 3. No person or persons not licensed, as aforesaid shall sell or offer for sale from wagons, carts or other vehicles or from baskets or other packages, in any of the streets, lanes, alleys or other public places in said city any goods, wares, or merchandize of any kind or description, as aforesaid, or hawk the same about the streets, alleys, lanes, or other public places

of said city for the purpose of sale, under the penalty of five dollars together with the costs of prosecution for each and every offence. Penalty.

Passed September 26, 1855.

SAMUEL W. CAREY, City Clerk.

Approved October 4, A. D., 1855.

C. V. CLICKENER, Mayor.

COMPENSATION OF THE COMMISSIONERS OF ASSESSMENTS.

An ordinance to determine the compensation of the commissioners of assessments.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The compensation to be paid to the commissioners of assessments shall be a per centage on the total amount of contractors' bills for each improvement for which assessment is made, which per centage shall be equally divided among the said commissioners.

SEC. 2. That the per centage to be paid to said commissioners shall be as follows, to wit: On all improvements the contract cost of which does not exceed five-thousand dollars ($5000), one and one-half (1 1-2) per centum on such cost. On such costs over five thousand dollars and not exceeding fifteen thousand dollars ($15,000), eight-tenths (8-10) of one per centum. On such costs over fifteen thousand dollars and not exceeding twenty-five thousand dollars ($25,000), five-tenths (5-10) of one per centum. On such costs over twenty-five thousand dollars and not exceeding fifty thousand dollars ($50,000), three-tenths (3-10) of one per centum. On such cost over fifty thousand dollars and not exceeding one hundred thousand dollars ($100,000) two-tenths (2-10) of one per centum, and on such costs over and above one hundred thousand dollars, one-tenth (1-10) of one per centum.

SEC. 3. That in case a re-assessment of any improvement previously assessed by said commissioners shall be directed by the council, the said commissioners shall not be entitled to extra compensation.

SEC. 4. That the compensation to which said com-

missioners are entitled to under this ordinance, shall be added to and included in the cost of the improvement on which the compensation is payable, and shall be assessed in the same manner as other costs of said improvements.

Passed June 13, 1871.

PETER McGAVISK, Chairman of the Council.

Approved June 15, 1871.

FREDERICK L. SCMERSAHL, Mayor.

Attest: F. E. ROWALD, City Clerk.

MODE OF PAYMENT FOR PRINTING.

An ordinance to regulate the mode of payment for the necessary printing relating to building sewers and improving streets in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That a separate bill of items for the printing and publishing of every notice or other matter or thing required to be printed or published in relation to the building of any sewer or improvement of any street in said city, shall be presented to the council; which bill shall state particularly what sewer or improvement such publishing or printing was for or in relation to.

SEC. 2. That the bills for printing and publishing the several matters mentioned in the preceeding section of this ordinance shall hereafter be paid by issuing and delivering to the printer who shall print and publish the same, improvement certificates to be paid out of the funds raised by assessment on the lands benefitted by such improvement for or on account of which the expense of such printing was received.

Passed June 27, 1871.

PETER McGAVISK, Chairman of Council.

Approved June 28, 1871.

F. L. SCHMERSAHL, Mayor.

Attest: F. E. ROWALD, City Clerk.

An ordinance to license and regulate junk shop keepers and junk dealers.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The council may at any time by resolution license any person as a junk dealer or to keep what are commonly called junk shops for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags and slush, every person receiving such license shall pay to the city clerk therefore the sum of twenty dollars besides one dollar to the city clerk for drawing such license, provided, that no person shall receive such license, unless he shall have the recommendation in writing of six reputable freeholders residing in the neighborhood where such junk shop is sought to be kept stating that the applicant is a proper person to keep said junk shop.

SEC. 2. No license shall entitle any person to keep any such junk shop at or in any other place than that which is mentioned and specified in said license.

SEC. 3. Every person so licensed shall at the time of receiving said license become bound by a bond with two good and sufficient sureties to the mayor and council of said city in the sum of three hundred dollars conditioned for the due observance of all the ordinances of said city relating to junk shop keepers and junk dealers in force at any time during the continuance of said license.

SEC. 4. No keeper of a junk shop or any junk dealer shall receive in the line of his or her business any article or thing by way of pledge or pawn, nor shall he or she loan or advance any sum of money on the security of any such article or thing.

SEC. 5. Every keeper of a junk shop or junk dealer

shall provide and keep a book in which shall be fairly written at the time of every purchase a description of the article or articles so purchased, the name and residence of the person from whom such purchase was made and the day of the purchase.

SEC. 6. Every such book shall at all times be often to the inspection of the mayor, councilmen or any policeman of the city of Hoboken, and each of them, or to any person who may be authorized in writing for that purpose by either of them, such person exhibiting to the person so licensed his authority aforesaid.

SEC. 7. Every such license shall continue in force until the first Monday in June next succeeding the granting of said license.

SEC. 8. No keeper of a junk shop or junk dealer shall purchase or receive in way of business, any goods articles or thing whatsoever, between the setting of the sun and the hour of seven o'clock in the morning.

SEC. 9. If any goods, articles or thing shall be advertised in any news paper printed in the city of Hoboken as having been lost or stolen and if the said goods, article or thing or any such answering to the description of the goods, article or thing so advertised, or any part or portion thereof shall then be or thereafter come into the possession of any junk dealer or keeper of a junk shop, he or she shall forthwith give information thereof in writing at the office of the recorder of said city, and shall also state from whom the same was received.

SEC. 10. Every keeper of a junk shop or junk dealer who shall receive or be in possession of any goods, article or thing which may have been lost or stolen or alleged or supposed to have been stolen shall forthwith on demand to view the same present the same to the mayor or recorder or any of the councilmen or policemen of said city.

SEC. 11. Every person so licensed as a junk dealer

or to keep a junk shop shall be entitled to keep one cart, wagon or vehicle and one boat or other vessel for the purpose of collecting junk, old rope, old iron, brass, copper, tin, lead, rags and slush in the city, provided however that if said person so licensed as aforesaid desires to keep more than one cart, wagon, vehicle, boat or vessel he shall first apply to said council for said privilege and shall pay the sum of ten dollars for each cart, wagon, vehicle, boat or vessel the said council may authorize him to use as aforesaid and provided also that any person using any such cart, wagon, vehicle or boat, or other vessel or causing the same to be used shall cause to be painted on the outside of such cart, wagon or vehicle, boat or vessel his name at length, the street and number of his place of business, the number of his license in plain letters and figures put on with black letters on white ground said letters and figures to be not less than two and one half inches in length.

Sec. 12. No person or persons except such as are regularly licensed for the purposes aforesaid according to the prosions of this ordinance or persons in the employ of such licensed person or persons shall draw or drive or procure to be drawn or driven or propelled any cart, wagon or vehicle, boat or vessel for the purposes aforesaid.

Sec. 13. Every person receiving a license according to the provivisions of this ordinance who shall violate, neglect or refuse to comply with the foregoing provisions or either of them shall for every such offence forfeit and pay the sum of twenty dollars.

Sec. 14. If any person (except a licensed person as aforesaid) shall within the corporate limits of the city of Hoboken, purchase or sell junk, old rope, old iron, brass, copper, tin, lead, rags paper or slush or draw or drive or procure to be drawn, driven or propelled any cart, wagon or other vehicle, boat or vessel or keep a junk shop or act as a junk dealer or in any way violate

any of the provisions of this ordinance so far as the same may be applicable to such unlicensed person, he or she shall for each and every such offence, forfeit and pay the sum of ten dollars.

Passed June 27, 1866.

JOHN KENNEDY, City Clerk.

Approved June 29, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to license and regulate junk shop keepers and junk dealers," approved June 29, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That sections one, eleven and fourteen of the ordinance entitled "an ordinance to license and regulate junk shop keepers and junk dealers," approved June 29, 1866, be and the same are hereby amended by inserting the words "old bottles," immediately after the word "rags," and before the words "and slush," wherever the same occur in the first and eleventh sections of said ordinance, and by inserting the words "old bottles," immediately after the word "rags" and before the word "paper" wherever the same occur in the fourteenth section of said ordinance.

Passed December 20, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved December 23, 1870.

Acting Mayor.

An ordinance to amend an ordinance entitled "an ordinance to license and regulate junk shop keepers and junk dealers," approved June 29, 1866.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. Each and every person who shall be licensed as a junk shop keeper or junk dealer, shall pay to the city clerk for the use of the city, the sum of ten dollars, and one dollar additional for the fee of said clerk.

SEC. 2. That all ordinances and parts of ordinances, inconsistent with the provisions of this ordinance, are hereby repealed.

Passed August 20, 1878.

ROBERT H. ALBERTS, City Clerk.

Approved August 22, 1878.

E. V. S. BESSON, Mayor.

An ordinance to license and regulate circuses, shows and exhibitions.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. No person or persons shall exhibit or show within the corporate limits of the city of Hoboken for any price, gain or reward, any circus, show or exhibition of any kind or description whatsoever unless such person or persons shall first obtain a license for said purpose as herein after mentioned under the penalty of one hundred dollars for each and every exhibition of such circus, show or exhibition.

SEC. 2. That the mayor and any one of the councilmen of said city or in the absence of the mayor any two of the councilmen of said city shall and may at their discretion on application to them for that purpose made, give or license in writing to any person or persons to exhibit and show within said city any circus, show or exhibition of any kind or description whatsoever, and said license shall set forth the place or places in which such circus, show or exhibition is authorized to be made, and the time or number of days it may be continued, and if the license is for a show or exhibition the kind and character thereof.

SEC. 3. That no such license shall take effect or entitle such person or persons to exhibit any such circus, show or exhibition until such person shall have paid to the city clerk one dollar for his fees and if the license is for a circus the sum of fifty dollars for the first day and twenty-five dollars for each and every day thereafter the said person or persons are authorized to exhibit or show said circus, and if the license is for any other show or exhibition the sum of ten dollars for the first day and five dollars for each and every day there-

after. The city clerk shall endorse said payment on said license, and no person or persons shall exhibit or show any circus, show or exhibition until after said endorsement has been so made as aforesaid under the penalty of one hundred dollars for each and every exhibition of such circus, show or exhibition.

SEC. 4. That either the mayor or chairman of the council may at any time direct the police force of said city to forcibly prevent any person or persons exhibiting or showing any circus, show or exhibition in said city when they may attempt so to do without first having obtained and paid for a license as hereinbefore stated.

Passed October 10, 1866.

JOHN KENNEDY, City Clerk.

Approved October 11, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to license and regulate circuses, shows and exhibitions," approved October 11, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 2. That sections one and three of the ordinance entitled "an ordinance to license and regulate circuses, shows and exhibitions" be and the same is hereby amended by striking out the words "one hundred dollars" wherever they occur in said sections and inserting the words "fifty dollars."

Passed October 31, 1866.

JOHN KENNEDY, City Clerk.

Approved November 1, 1866.

FREDERICK B. OGDEN, Mayor.

An ordinance to amend an ordinance entitled "an ordinance to license and regulate circuses, shows and exhibitions," approved October 11, 1866.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That section three of the ordinance entitled "an ordinance to license and regulate circuses, shows and exhibitions," approved October 11, 1866, be and the same is hereby amended so that said section shall read as follows: That no such license shall take effect or entitle such person or persons to exhibit any such circus, show or exhibition until such person shall have paid to the city clerk one dollar for his fees, and if the license is for a circus, the sum of one hundred dollars for the first day and fifty dollars for each and every day thereafter the said person or persons are authorized to exhibit or show said circus, and if the license is to exhibit or show a menagerie the sum of fifty dollars for the first day and twenty-five dollars for each and every day thereafter the said person or persons are authorized to exhibit such menagerie, and if the license is for any other show or exhibition the sum of ten dollars for the first day and five dollars for each and every day thereafter. The city clerk shall endorse said payment on said license and no person or persons shall exhibit or show any circus, show or exhibition until after said endorsement has been so made as aforesaid under the penalty of fifty dollars for each and every exhibition of such circus, show or exhibition.

SEC. 2. That all ordinances and parts of ordinances

inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Passed June 14, 1870.

FREDERICK E. ROWALD, City Clerk.

Approved June 16, A. D., 1870.

HAZEN KIMBALL, Mayor.

An ordinance relating to assessors.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the assessors in said city shall receive the following sums per annum which said amounts shall be in full for their services, charges and expenses of every kind whatsoever: To the assessors of the first ward the sum of three hundred dollars; to the assessors of the second ward two hundred and fifty dollars; to the assessors of the third ward three hundred dollars.

SEC. 2. That each assessor in said city shall immediately after he has made the assessment as provided by law serve a notice on each party assessed, if living in said city, and said notice shall state the valuation made of the real and personal property of the party named therein and any assessor failing so to do shall forfeit and pay a penalty of ten dollars for each and every failure so to do.

Passed June 12, 1867.

JOHN KENNEDY, City Clerk.

Approved June 13, 1867.

F. W. BOHNSTEDT, Mayor.

An ordinance authorizing the improvement of the public squares in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That all that part of Hudson Square lying westerly of a line drawn from the south westerly corner of River street and Fourth street to the north westerly corner of River street and Fifth street in the city of Hoboken, which said park is bounded on the north by Ffth street, on the west by Hudson street, and on the south by Fourth street, be improved and ornamented by grading the same, by laying gas, water and drain pipes, laying out and flagging with whatever materials the council may adopt, foot walks, setting curbstones, and planting trees therein according to such plans as may be hereafter adopted for that purpose.

SEC. 2. That the public park situate in said city of Hoboken, and bounded easterly by Garden street, southerly by Fourth street, westerly by Willow street, and northerly by Fifth street, be improved and ornamented by filling and grading the same, by laying gas, water and drain pipes, laying out and flagging foot walks, setting curbstones and planting trees therein according to such plan as may be hereafter adopted for that purpose.

SEC. 3. That all costs and expenses incurred by improving and ornamenting said parks as aforesaid shall be assessed upon the lands and real estate situate in the said city of Hoboken, in proportion to the benefit received, in pursuance of the statute in such case made and provided, which assessments shall be and remain a lieu upon the lands and real estate so assessed until the same be paid.

SEC. 4. That said improvements shall be made and carried on under the direction of the committee on public grounds and buildings, and that said committee be authorized to advertise for plans and specifications for said improvements to be made, provided, such plans shall not be adopted until the same are approved by resolution of the mayor and council of the city of Hoboken.

Passed July 5, 1872.

JOHN R. McCULLOCH, City Clerk.

Approved July 6, 1872.

F. L. SCHMERSAHL, Mayor.

An ordinance authorizing the improvement of the public square situate in the city of Hoboken and bounded northerly by Fifth street, southerly by Fourth street, easterly by Garden street and westerly by Willow street.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. That the public square situate in the city of Hoboken, bounded northerly by Fifth street, southerly by Fourth street, easterly by Garden street and westerly by Willow street be improved and ornamented by filling and grading the same, by laying gas, water and drain pipes, laying out and flagging foot walks, setting curbstones and planting trees therein according to such plan as may be hereafter adopted for that purpose: provided, the cost and expense of said improvement shall not exceed twenty-five thousand dollars.

SEC. 2. That said improvements shall be made and carried on under the direction of the committee on public grounds and buildings and that said committee be authorized to cause plans and specifications for said improvement to be made, provided such plans and specifications shall not be adopted until the same are approved by resolution of the mayor and council of the city of Hoboken.

SEC. 3. That the costs, charges and expenses of said improvement shall be paid by money to be raised for that purpose by issuing bonds therefore pursuant to the provisions of an act entitled "a further supplement to an act entitled an act to incorporate the city

of Hoboken," approved March twenty-eighth, which supplement was approved April 4, 1873.

Passed May 27, 1873.

JOHN R. McCULLOCH, City Clerk.

Approved May 28, 1873.

A supplement to an ordinance entitled "an ordinance authorizing the improvement of public square bounded northerly by Fifth street, southerly by Fourth street, easterly by Garden street and westerly by Willow street.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That all the foot walks and paths, circular and ornamental places on the public park situated between Garden, Willow, Fourth and Fifth streets, as shown on the map made by Otto F. Wegener, city surveyor and filed in the city clerk's office shall be laid and paved with blue stone flagging and white gravel.

Passed June 23, 1874.

JOHN R. McCULLOCH, City Clerk.

Approved June 24, 1874.

An ordinance authorizing the improvement of the public square known as Hudson square in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the public square known as Hudson square bounded on the north by Fifth street, on the west by Hudson street, on the south by Fourth street, and on the east by the high water line of the city of Hoboken be improved by grading the same by laying gas, water and drain pipes, laying out and flagging with whatever materials the council may adopt, foot walks, setting curbstones and planting trees therein according to such plan as may be hereafter adopted for that purpose.

SEC. 2. That all the cost and expense incurred by improving said park as aforesaid shall be paid as provided in the further supplement to an act entitled "an act to incorporate the city of Hoboken, approved March 28, 1855," approved March 13, 1873.

SEC. 3. That said improvements shall be made and carried on under the direction of the committee on public grounds and buildings and that said committee be authorized to advertise for plans and specifications for said improvements to be made, provided such plans shall not be adopted until the same are approved by resolution of the mayor and council of said city.

Passed November 17, 1874.

JOHN R. McCULLOCH, City Clerk.

Approved November 25, 1874.

An ordinance to create a sinking fund.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the surplus of all moneys raised by assessments remaining after the improvement certificates issued for any particular improvement have been redeemed, all moneys received from the sale or redemption of lands sold for non-payment of assessments, on all improvements, which have been paid for in whole or in part with moneys realized from the sale of lands issued in pursuance of an act entitled "an act to authorize the mayor and council of the city of Hoboken to borrow money for the existing debts and liabilities and to issue bonds for the same," approved April 3, 1872, and such other moneys not otherwise appropriated as the committee on finance may from time to time direct shall constitute a separate fund to be known and designated as the "Sinking fund" for the redemption of the bonds issued in pursuance of the act hereinbefore mentioned.

SEC. 2. That all moneys raised by taxation to pay principal or interest on the bonds mentioned in the first section of this ordinance shall as soon as collected be placed in the said sinking fund.

SEC. 3. That all moneys placed in said sinking fund shall forthwith be deposited in some safe banking institution to be designated by resolution of the mayor and council where the same will bear interest at a rate not less than six per cent per annum, which deposits shall be made in the name of the treasurer of the city of Hoboken.

SEC. 4. That no money shall be drawn from said sinking fund for any purpose whatever, except to pay

interest on the said bonds until the principal of said bonds becomes due.

SEC. 5. That it shall be the duty of the city treasurer within not more than five, nor less than two days of the time designated for payment of interest on said bonds to draw from said sinking fund a sufficient amount to pay said interest then coming due, and to deposit the same in the First National Bank of Hoboken for the payment of such interest and that the said treasurer shall also keep a separate account of the moneys drawn from the sinking fund for payment of interest on said bonds.

Passed May 20, 1873.

JOHN R. McCULLOCH, City Clerk.

Approved May 28, 1873.

An ordinance providing for the appointment of a keeper of the public park, known as Church square.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. There shall be appointed by the council an officer to be called "Park keeper," who shall hold his office for one year or until his successor may be appointed.

SEC, 2. It shall be the duty of the park keeper to keep in good and proper condition the walks and grounds of the said park and to prevent persons and animals from trespassing upon the grounds thereof and the destruction of the plants or trees growing thereon.

SEC. 3. That said park keeper shall be on duty at said park from seven o'clock in the morning until nine o'clock in the evening from May 1st to October 31st, and from eight o'clock in the morning until five o'clock in the evening from Nov. 1st to April 30th of each and every day and shall receive as a compensation or salary the sum of $700 to be paid in equal monthly payments.

Passed May 18, 1875.

JOHN R. McCULLOCH, City Clerk.

Approved May 19, 1875.

JOSEPH RUSSELL, Mayor.

An ordinance providing for the appointment of a keeper of the public park, known as Hudson square.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. There shall be appointed by the council an officer to be called park keeper who shall hold his office for one year unless sooner removed for just cause in accordance with the provisions of the charter of this city.

SEC. 2. It shall be the duty of the park keeper to keep in good and proper condition the walks and grounds of the said park and to prevent persons and animals from trespassing upon the grounds thereof and the destruction of plants or trees growing thereon.

SEC. 3. That said park keeper shall be on duty at the said park from 7 o'clock in the morning until 9 o'clock in the evening from May 1st to November 1st, and from 8 o'clock in the morning until 5 o'clock in the evening from November 1st to May 1st of each and every day and shall receive as a compensation or salary the sum of $700 to be paid in equal monthly payments

Passed May 1, 1877.

GEORGE J. DUCKER, City Clerk.

Approved May 2, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to establish a public storage yard in the city of Hoboken.

The Mayor and Council of the City of Hoboken do ordain as follows:

SECTION 1. That the mayor and council shall have power by resulution to designate some lot of ground in said city, the property of the said mayor and council as a public storage yard for the reception of such property belonging to the said the mayor and council as may be directed to be placed thereon, or such other property as may be placed thereon by the said the mayor and council or by the street commissioner in accordance with the ordinances of said city.

Passed February 15, 1876.

JOHN R. McCULLOCH, City Clerk.

Approved February 16, 1876.

JOSEPH RUSSELL, Mayor.

An ordinance to regulate the keeping of camphene and other dangerous materials and other purposes.

Be it enacted by the Mayor and Council of the City of Hoboken:

SECTION 1. No person shall keep for sale or shall store in any building or place within the city of Hoboken any petroleum either crude or refined, or benzine, exceeding one hundred gallons in quantity without license from the mayor and council under the penalty of fifty dollars for each offence, and the further penalty for every day such petroleum, either crude or refined, or benzine, shall be suffered or permitted to remain after notice to remove the same.

SEC. 2. Every person desiring to obtain a license to keep petroleum either crude or refined, or benzine for sale or store in any building or place within said city, shall make written application therefor to the mayor and council of said city stating in said application the place or building in which he desires to sell or store the said petroleum either crude or refined, or benzine, and the manner in which he proposes to keep the same, and the said the mayor and council shall examine the said premises with reference to the safety of granting the said license, and after the said report the said the mayor and council may act upon the said application.

SEC. 3. No petroleum either crude or refined, or benzine shall be stored in any building or place within two hundred feet of any dwelling house, barn or manufacturing establishment unless the consent of the owner or owners of such property be first had in writing.

SEC. 4. All licenses granted under the provisions of this act shall continue in force one year from the date

of said license, and such person obtaining such license shall pay the sum of twenty-five dollars to the city clerk for the use of the said city.

Passed March 17, 1876.

Approved March 22, 1876.

JOSEPH RUSSELL, Mayor.

An ordinance to provide for the protection of chimneys and smoke stacks.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. The owner or owners of any factory or factories shall cause the smoke stack or chimneys connected with their said factory or factories to be covered and protected by a covering of wire or other material so that sparks and embers cannot issue therefrom to the injury and damage of surrounding property.

SEC. 2. Any owner or owners not covering and protecting his said chimneys as aforesaid shall upon being notified by the chief of police to so cover and protect the same, and if he fail so to do within one week from the receipt of said notice he or they shall be liable to a fine not to exceed twenty-five dollars.

Passed February 20, 1877.

GEORGE J. DUCKER, City Clerk.

Approved February 28, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to authorize the purchase of land and the erection thereon of a school house.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the committee on public grounds and buildings of the city of Hoboken be and they are hereby authorized to purchase in the name of the mayor and council of the city of Hoboken a lot of land known and described as follows to wit, commencing at a point in the westerly line of Park avenue, fifty-eight feet southerly from southwesterly corner of said avenue and Sixth street, running thence southerly ninety feet, thence westerly parallel with Sixth street 100 feet, thence northerly parallel with Park avenue 148 feet, thence easterly parallel with Sixth street 14 feet, thence southerly parallel with Park avenue 58 feet, thence easterly parallel with Sixth street and to the place of beginning 86 feet at a price not to exceed eleven thousand seven hundred and fifty dollars.

SEC. 2. That the said committee shall procure plans and specifications to be made for the erection of a school house and submit the same to the council of said city for action thereon.

Passed March 6, 1877.

GEORGE J. DUCKER, City Clerk.

Approved March 14, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to prohibit the erection of wooden buildings within certain limits in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That no person or persons shall at any time hereafter erect or construct or cause to be erected or constructed any frame or wooden building or buildings in that portion of the city of Hoboken, lying east of the westerly line of Willow street, and including the said westerly line of Willow street.

SEC. 2. That no person or persons shall at any time hereafter remove or cause to be removed any frame or wooden building which may stand or be erected outside of the limits prescribed in the foregoing section to any point or points that may be within the limits prescribed in said section.

SEC. 3. That any person violating any of the provisions of this ordinance shall be liable to a fine of fifty dollars upon conviction for the same and shall in addition thereto forfeit and pay the sum of ten dollars for every day that such building or buildings shall be kept and maintained within the limits prescribed as aforesaid.

SEC. 4. That all ordinances and parts of ordinances inconsistent with any of the provisions of this ordinance, are hereby repealed.

Passed June 26, 1877.

GEORGE J. DUCKER, City Clerk.

Approved June 27, 1877.

JOSEPH RUSSELL, Mayor.

An ordinance to provide for the giving notice of any proposed assessment to the person or persons against whom, and upon whose property such assessment will be made.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That when the commissioners of assessments of the city of Hoboken shall have determined upon any assessment for any improvement, and shall have made a table or statement, showing each lot or parcel of land which may be aseessed, and the amount to be assessed thereon, and the name of the person or persons to whom such parcels will be respectively assessed, they shall before reporting such assessment to the council, give a written or printed notice to each person proposed to be assessed, which notice shall be served personally upon the owner of each parcel or lot so to be assessed, if such owner can be found in the city, and if such owner cannot be found in the city, then such notice shall be mailed to him or her, if his or her post office address can be ascertained, postage prepaid, and if such address cannot be found, than such notice shall be posted on the property to be assessed ten days before the time of hearing objections, hereinafter mentioned, which notice shall inform the person to be assessed, of the property which will be assessed, and of the amount of such assessment, and what the same is for, and shall inform such owner of the time and place when and where any objections to said proposed assessment will be heard.

SEC. 2. That at such time and place said commissioners shall hear and consider any objections presented, and having considered the same, they shall correct said

proposed assessment if they shall determine any corrections to be necessary and shall thereupon report such assessment to the council, and in case no one shall appear to object, such assessment shall forthwith be reported to the council, and any report shall state what objections were made, if any, and what corrections were made, if any.

SEC. 3. That said commissioners shall determine the proper expense to be incurred in each case for the giving of the said notices, and shall include the said expense as part of the incidental cost of such improvement, and shall assess the same according to law.

SEC. 4. That all ordinances and parts of ordinances inconsistent herewith, be and they are hereby repealed.

Passed June 8, 1880.

ROBERT H. ALBERTS, City Clerk.

Approved June 10, 1880.

JOHN A. O'NEILL, Mayor.

An ordinance to ratify the contracts entered into by the board of water commissioners of the city of Hoboken with the Hackensack Water Company for a supply of pure and wholesome water in the city of Hoboken.

Whereas the present water supply of the city of Hoboken is not pure and wholesome and the public health of said city is there by constantly endangered and it is a public necessity that relief should be had and such relief will be had under the terms of the contracts referred to in the title of this ordinance, therefore,

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the action of the board of water commissioners of the city of Hoboken in making two certain contracts with the Hackensack Water Company dated September 2nd, 1881 for a supply of pure and wholesome water from the Hackensack river be and the same is hereby ratified, confirmed and adopted as the act of the corporate authorities of said city.

SEC. 2. That all ordinances and parts of ordinances inconsistent herewith be repealed.

Passed September 27, 1881.

City Clerk.

Approved September 29, 1881.

E. V. S. BESSON, Mayor.

An ordinance to designate the number, kind and manner of erection of external fire escapes on public buildings in the city of Hoboken.

The Mayor and Council of the city of Hoboken do ordain as follows:

SECTION 1. That the number, kind and manner of erection of the external fire escapes, or means of exit in case of fire, which are required to be provided by all persons owning, leasing, or in any manner having charge or control of any hotel, boarding house, for the accomodation of the public, any public school or other building, factory, manufactory, or workshop of any kind, in which guests, students, employes or operators, to the number of thirty or more, are accommodated, or steadily or casually at work or congregate, by the provisions of an act of the Legislature of the State of New Jersey, entitled, "an act to provide for the better security of life and limb in cases of fire in hotels and other buildings," approved March 17, 1882, shall be as follows: Each building shall be provided with one or more, at the option of the council, external fire escape of a kind and erected in manner according to the following:

SPECIFICATIONS FOR THE CONSTRUCTION OF "OUTSIDE FIRE ESCAPES" FOR FACTORIES AND SIMILAR BUILDINGS, SCHOOL HOUSES &c.

An outside fire escape to consist of iron balconies three feet wide, taking in one or more windows at every story, and connecting said balconies by iron stairs, and provided with an iron drop ladder to lead from the balcony at the first story to the ground, all to be constructed as follows:

BRACKETS:

Brackets must not be less than $\frac{1}{2}$x$\frac{3}{4}$ inch wrought iron, placed edgewise, or $1\frac{3}{4}$ inch angle iron, well braced and not more than three feet apart; and the braces to brackets must not be less than $\frac{3}{4}$ inch square wrought iron, and must extend at least two-thirds of the width of the respective brackets or balconies. In all cases the brackets must go through the wall and the end be turned down three inches, or in cases of houses already built, the ends must be secured by a wrought iron washer six inches diameter, with screw end and nut to bracket.

RAILINGS AND BALCONIES:

Bottom rails must be $\frac{1}{2}$x$\frac{1}{4}$ inch, wrought iron, well leaded into the wall; the top rails of balcony must be $\frac{1}{2}$x$\frac{1}{2}$ inch wrought iron, and in all cases must go through the walls or studding, and be secured by nuts and 4-inch washers; the filling in bars must not be less than $\frac{1}{2}$ inch round or square wrought iron, placed not more than six inches from centres, and well riveted to the top and bottom rails, the latter to be riveted or screwed to the ends of brackets.

The hight of balcony railings shall not be less than two feet nine inches, and the ends of balconies shall under no circumstances extend more than nine inches over or beyond the brackets.

The openings for stairs in all balconies shall not be less than twenty inches wide by thirty-six inches long.

The flooring of balconies must be of wrought iron $1\frac{1}{2}$x$\frac{3}{8}$ inch slats, placed not over $1\frac{1}{4}$ inch apart, and secured and riveted to iron battens $1\frac{1}{2}$x$\frac{3}{8}$ inches, not over three feet apart, or to angle irons connected with the brackets.

STAIRS:

The stairs in all cases must be eighteen inches or more wide, as the council may direct, and constructed

of $\frac{1}{4}$x$\frac{1}{2}$ inch wrought iron, sides or strings; steps may be of cast iron of the same width as strings, or $\frac{5}{8}$ inch round wrought iron, double rungs, well riveted to the strings.

The stairs must be secured to the iron brackets on top or bottom or be secured to extra cross-bars; all stairs must have $\frac{3}{4}$-inch wrought iron hand-rails, well secured and braced.

Drop ladders from lower balconies shall not be less than fourteen inches wide, and shall be made of 2x$\frac{3}{8}$-inch sides and $\frac{5}{8}$-inch rungs of wrought iron, and in no case shall a drop ladder be over twelve feet in length.

SCHOOLS:

In all school buildings, the outside fire escapes must be constructed as regular stairs, the balconies forming the landings; the stairs must be so constructed that the rise of steps be not more than six inches, and the width of tread in proper proportion; the balconies must be accessible through doors opening out, rising sash windows reaching down to floors.

SEC. 2. That it shall be the duty of the street commissioner of the city of Hoboken, whenever directed so to do by the mayor and council, to give notice in writing to the owner or lessees, or the person having charge or control of said building or buildings of the requirements of the said act of the Legislature mentioned and referred to in section 1 of this ordinance, and also of the requirements of this ordinance, and to set forth in said notice the number, kind and manner in which said external fire escape or escapes is or are to be erected as required by this ordinance, and the penalty which any such owner, lessee, or person having charge or control of said building or buildings will incur by refusal or neglect to comply with said law and this

ordinance within ninety days after service of such notice.

Passed April 24, 1883.

THOMAS MILLER, Chairman of the Council.

Approved April 28, 1883.

E. V. S. BESSON, Mayor.

Attest: C. H. MILLER, Acting City Clerk.

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TO

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OF THE

City of Hoboken.

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